

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3
4 In the Matter of:)
5)
6)
7 Zimmer 2000, Inc. and)
8 Maria Chappa, in her official capacity) MUR 5026
9 as treasurer)

10
11 **GENERAL COUNSEL'S BRIEF**

12
13
14 **I. INTRODUCTION**

15 This matter originated with a complaint filed by David Plouffe, Executive Director,
16 Democratic Congressional Campaign Committee, alleging that Zimmer 2000, Inc. and Maria
17 Chappa, in her official capacity as treasurer ("Zimmer 2000" or "Zimmer committee")
18 (collectively "respondents"), violated the Federal Election Campaign Act of 1971, as amended
19 ("the Act") in connection with advertisements produced and distributed on behalf of
20 congressional candidate Dick Zimmer.¹ More specifically, the complaint alleged that Zimmer
21 2000, along with a number of other entities and individuals, participated in coordinating radio
22 and direct mail advertisements that sought to link Mike Pappas, Zimmer's opponent in the June
23 6, 2000 primary election for New Jersey's 12th congressional seat, with the Ku Klux Klan
24 ("KKK"). On February 14, 2004, the Commission found reason to believe that respondents
25 violated 2 U.S.C. § 441a(f) or, in the alternative, violated 2 U.S.C. § 441b by accepting
26 coordinated in-kind contributions and reason to believe that respondents also violated 2 U.S.C.

¹ All of the facts relevant to this matter occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Act or statements of law regarding provisions of the Act contained in this report refer to the Act as it existed prior to the effective date of BCRA. Similarly, all citations to the Commission's regulations or statements of law regarding any specific regulation contained in this report refer to the 2002 edition of Title 11, Code of Federal Regulations, published prior to the Commission's promulgation of any regulations under BCRA.

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1 § 434(b) by failing to report the source of the contributions.

2 The Office of the General Counsel has investigated the allegations, examined documents,
3 and interviewed or deposed a number of witnesses in this matter. Despite the candidate's
4 assertions that the appearance of the anti-Pappas advertisements angered him and his
5 committee's denials of involvement in their creation and dissemination, the evidence suggests
6 otherwise. The evidence obtained during this investigation reveals that Zimmer 2000, through
7 its agents at Jamestown Associates LLC ("Jamestown"), which firm served as the committee's
8 principal campaign consultant during the primary, participated in a scheme to fund, produce and
9 distribute the anti-Pappas advertisements in order to suppress the vote for Zimmer's opponent
10 Pappas. In order to distance this activity from Zimmer 2000, respondents' agents operated
11 through Fox Media Consulting LLC ("Fox Media"), as well a third-party non-profit corporation,
12 New Jersey Citizens for Tax Reform. As a result of this activity, the General Counsel is
13 prepared to recommend that the Commission find probable cause to believe that respondents
14 knowingly received coordinated in-kind corporate contributions in violation of 2 U.S.C. § 441b
15 and recommend that the Commission find probable cause to believe that respondents violated
16 2 U.S.C. § 434(b) by failing to report these contributions.

17 The scheme flowed from Zimmer 2000's interactions with the following individuals and
18 entities, all of whom are discussed below in the Summary of Facts:

- 19 - Larry Weitzner: founded Jamestown on or about 1995 as a full service political and
20 public affairs consulting company. In 2000, Weitzner and Jamestown provided
21 consulting services to clients including congressional candidates Zimmer, Mike Ferguson
22 and senate candidate Jim Treffinger;
23
24 - Tom Blakely: vice-president at Jamestown during the relevant time period and district
25 office manager for Zimmer when he held the 12th congressional seat from 1991-1997. He
26 also operated Fox Media out of Jamestown's offices, through which entity he produced
27 and distributed the anti-Pappas advertisements;
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- 1 - Megan Jencik: media buyer for Jamestown who also worked for Zimmer 2000 during the
2 primary and later purchased air-time for the subject advertisements at the request of
3 Blakely ;
4
- 5 - New Jersey Citizens for Tax Reform ("NJCTR"): served as the sponsor for the subject
6 anti-Pappas advertisements under the name "Citizens for Tax Reform";
7
- 8 - John Sheridan: incorporated NJCTR and served as a member of its Board of Trustees.
9 Sheridan met Zimmer, Weitzner and Blakely in the 1990s through a New Jersey based
10 anti-tax movement. He deposited the funds solicited for the anti-Pappas advertisements
11 into NJCTR's bank account, which funds he then issued to Fox Media to pay for the
12 production and distribution of these advertisements; and
13
- 14 - Jim Treffinger: a candidate in the June 2000 Republican primary election for the U.S.
15 Senate and a Jamestown client. He solicited some of the funds donated to NJCTR that
16 were used to produce and distribute the anti-Pappas advertisements.
17

18 II. SUMMARY OF FACTS

19 A. Background

20 1. The Zimmer Primary Campaign and Jamestown

21
22 Jamestown served as the principal campaign consultant for Zimmer's 2000 bid for
23 election to the 12th congressional district. *See* Zimmer Tr. at 32; Weitzner Tr. at 107. In 2000,
24 Jamestown and the Zimmer committee were so closely aligned that they operated out of the same
25 office, just as they had done during Zimmer's 1996 senatorial campaign. During the 2000
26 election, the two entities shared space, first in Princeton, New Jersey and, as of January 2000, in
27 Lawrenceville, New Jersey. *See* Zimmer Tr. at 42-44; Blakely Tr. at 86, 120, 136; Weitzner Tr.
28 at 82, 86, 87.

29 By 2000, Jamestown had about a dozen clients, 95% of which were political.² *See*
30 Weitzner Tr. at 34, 35. Zimmer 2000 was one of Jamestown's biggest clients during the 2000

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² In 2000, Jamestown had one employee and five independent consultants. *See* Weitzner Tr. at 43, 44, 66. Blakely and Geller handled client accounts for Jamestown. *See* Weitzner Tr. at 47, 48. Jamestown also utilized the services of a media buyer, Jencik, as well as two graphic artists and a media technician. *See* Weitzner Tr. at 44. The latter four worked on all of Jamestown's client accounts. *See* Weitzner Tr. at 119; Blakely Tr. at 137.

1 election cycle, *see* Weitzner Tr. at 109, and Jamestown also provided Zimmer 2000 with
2 more professional services than any other vendor.³ As a result of Zimmer 2000's primacy as a
3 Jamestown client, the committee received the full benefit of Jamestown's facilities, staff and
4 resources. *Id.* In addition to Weitzner, who served as the lead consultant on this account,
5 Jamestown vice president Blakely and media buyer Jencik worked on the Zimmer primary
6 campaign. Ex. 1, Response 2a; *see also* Zimmer Tr. at 80-82. Jamestown provided Zimmer
7 2000 with overall strategy and media production, including direct mail and television and radio
8 advertisements. *See* Weitzner Tr. at 109. According to Weitzner, providing Zimmer 2000 with
9 strategic advice meant developing the campaign's overall theme and determining "the best way
10 to win an election." *See* Weitzner Tr. at 116, 117.

11 Jamestown participated in the Zimmer committee's day-to-day operations through the
12 recruitment and hiring of staff for the 2000 campaign. Zimmer's reliance on Jamestown was
13 such that a number of the Zimmer committee's staff transferred from or worked for Jamestown
14 prior to joining the campaign. *See* Zimmer Tr. at 72, 73. *See also*, Blakely Tr. at 98. For
15 example, Jamestown media buyer Jencik worked directly for the campaign as a consultant from
16 August 1999 through April 20, 2000 while continuing to function as Jamestown's media buyer.
17 *See* Zimmer.2000: 1999 Mid-Year Report; 1999 Year-End Report; 2000 April Quarterly Report;

³ FEC disclosure reports indicate that about half of the total amount of money disbursed by Zimmer 2000 between February 9, 1999 and the date of the primary, June 6, 2000, was paid to Jamestown (\$441,113.19 out of \$866,019.73). *See* Zimmer 2000's: 1999 Mid-Year Report, 1999 Year-End Report, 2000 April Quarterly Report, and 2000 12-Day Pre-Primary Report. FEC disclosure reports indicate that Jamestown received \$905,994.61 as a result of consulting on the Zimmer campaign during the general election. *See* Zimmer 2000's 2000 July Quarterly Report, 2000 October Quarterly Report, 2000 Pre-General Report, 2000 Post General Report, and 2000 Year-End Report. In total, for both the 2000 primary and general elections, the Zimmer committee paid Jamestown \$1,347,107.80.

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1 and 2000 12-Day Pre-Primary Report; Ex. 2.⁴ According to Jencik, Weitzner recommended that
2 she work on the campaign. According to a former Jamestown consultant, Zimmer 2000 treasurer
3 and fundraiser Maria Chappa also received her entrée to the campaign through Jamestown.
4 Weitzner, who testified that Chappa has worked as a consultant for other Jamestown clients,
5 interviewed her for the position with the committee. *See* Weitzner Tr. at 126. Similarly, Zimmer
6 staffer Jeff Pinsky joined the campaign after working as a Jamestown intern. *See* Weitzner Tr. at
7 130, 131.⁵

8 The evidence suggests that Weitzner and Blakely helped Zimmer choose John Holub, a
9 field operative on Zimmer's senate campaign, over other candidates to serve as campaign
10 manager. *See* Zimmer Tr. at 58, 59. Weitzner stated that he was sure he interviewed Holub,
11 whom he knew from "New Jersey political circles," for the position.⁶ *See* Weitzner Tr. at 125,
12 126; *see also* Zimmer Tr. at 59. Zimmer testified that he relied on Blakely for advice on hiring
13 when Blakely had a personal familiarity with the individual; so it is likely that Blakely, who had
14 known Holub for seven years, worked with him on a number of prior political campaigns and
15 considered him a friend, assisted Zimmer in choosing Holub as the Zimmer committee's
16

⁴ Jamestown's Quicken records, which are limited to reflect payments made to Jencik from January 2000 through June 15, 2000, indicate that she was paid her \$1,500 semi-monthly retainer as usual in February, March, May and June 2000. Ex. 2.

⁵ According to Weitzner and a former Jamestown associate, Zimmer 2000 staffer Richard White also worked at Jamestown for a period of time. It is not known whether his tenure on the campaign was before or after he worked at Jamestown. *See* Weitzner Tr. at 132, 133. *See also* Zimmer Tr. at 54

⁶ In 2002, Holub joined Jamestown as an independent consultant. *See* Weitzner Tr. at 135; Blakely Tr. at 99.

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1 campaign manager.⁷ See Blakely Tr. at 95-97; Zimmer Tr. at 72, 73.

2 Similarly, Blakely interviewed and hired Matthew Cherney, Zimmer's driver and
3 scheduler for the 2000 campaign. According to Cherney, he found out about the job through
4 Jamestown consultant Geller and was interviewed by Blakely who explained his duties and
5 salary. Cherney said that he did not interview with the campaign manager John Holub and that
6 he did not meet Zimmer until after he was hired.

7 2. Zimmer Has Had Longstanding Relationships with Weitzner and Blakely

8
9 Zimmer and Weitzner have known each other as political colleagues and friends for
10 about 26 years. See Weitzner Tr. at 23, 24; Zimmer Tr. at 31, 32, 34. The two first met in 1979
11 while Weitzner was working as a volunteer for Zimmer's campaign for a seat in the New Jersey
12 State Assembly. Weitzner worked on all of Zimmer's subsequent state political campaigns,
13 which included re-election to the State Assembly and election to the State Senate. *Id.* In 1990,
14 Zimmer asked Weitzner to manage his first campaign for the 12th congressional district. See
15 Weitzner Tr. at 23-27; Zimmer Tr. at 31-32. It was around this time that Weitzner started
16 working professionally as a part-time political consultant. See Weitzner Tr. at 26.

17 Prior to forming Jamestown as a limited liability company in March 1995, Weitzner
18 served as the principal political consultant for Zimmer's 1992 and 1994 congressional
19 campaigns. See Weitzner Tr. at 107. Jamestown was also the principal campaign consultant for
20 Zimmer's 1996 campaign for the United States Senate. See *id.*; Zimmer Tr. at 32.

21 Blakely testified that, prior to joining Jamestown as an independent consultant in 1998,
22

⁷ Blakely testified that it was possible he referred Holub for the job as Zimmer's campaign manager or had some involvement in Holub obtaining the position. See Blakely Tr. at 98. Blakely admitted that he had recommended Holub for work over the years, although he was unable to recall to which campaigns he had provided those recommendations. *Id.* at 98, 99.

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1 he worked directly for Zimmer in various capacities. *See* Weitzner Tr. at 61, 62; Blakely Tr. at
2 39; Zimmer Tr. at 35-37. After working in a field position during Zimmer's first congressional
3 campaign in 1990, Blakely became Zimmer's district office manager, a position he held for
4 Zimmer's six years in Congress (1991-1997). *See* Blakely Tr. at 27-29. In addition, Blakely
5 managed both Zimmer's 1992 congressional campaign and Zimmer's 1996 bid for the U.S.
6 Senate. *See* Blakely Tr. at 26, 27-29; Zimmer Tr. at 35-37; *see also* Jamestown Website,
7 <http://web.archive.org/web/20000920075508/www.jamestownassociates.com> (last accessed May
8 5, 2005). After Zimmer left Congress in 1997, Blakely held a position in the New Jersey state
9 government and subsequently in 1998, Blakely became an independent media consultant. *See*
10 Blakely Tr. at 26. That same year, Weitzner hired Blakely as an independent consultant at
11 Jamestown. *See* Weitzner Tr. at 63; Blakely Tr. at 39. According to Jamestown's bookkeeper,
12 Bridget Capasso, by 2000 Blakely held the title of Jamestown vice president and was considered
13 second in line at the company after Weitzner.⁸

14 3. Zimmer, Weitzner and Blakely Had a Longstanding Relationship with Sheridan

15
16 Zimmer, Weitzner, Blakely, and NJCTR spokesman Sheridan have had longstanding
17 professional and personal relationships through their association with several New Jersey based
18 anti-tax groups during the 1990s. From around 1990 through 2000, Sheridan served as a non-
19 voting board member and advisor to one such group called Hands Across New Jersey ("HANJ").
20 *See* Sheridan Tr. at 71. Sheridan testified that he first met Zimmer around 1990 during a meeting
21 relating to a ballot initiative opposing Governor Jim Florio's tax increases, which initiative

⁸ Blakely became a full-time Jamestown employee at some time between 2002 and 2004. *See* Blakely Tr. at 26, 39, Weitzner Tr. at 115, 116. He currently holds the title of president. *See* Jamestown Associates Website, <http://www.jamestownassociatesces.com> (last accessed April 25, 2005)

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1 HANJ supported. *See* Sheridan Tr. at 85-6. Zimmer confirmed in his testimony that he worked
2 with HANJ, noting that they had common political objectives. *See* Zimmer Tr. at 20-22.

3 Sheridan testified that he interacted with Weitzner frequently from 1990-2000 because
4 Jamestown handled HANJ's advertising. *See* Sheridan Tr. at 92-4. Sheridan testified that he and
5 Weitzner were on such familiar terms that Sheridan would frequently visit the Jamestown
6 offices, both at the Nassau Street and at the 3131 Princeton Pike offices, on politically related
7 matters and to talk with Weitzner about what was "going on at the state house." *See* Sheridan Tr.
8 at 207-209. Sheridan's continued access to what was effectively Zimmer 2000's campaign
9 headquarters during the 2000 election provided him with an opportunity to learn about the
10 Zimmer campaign's plans and activities. Sheridan, however, insisted that, apart from Weitzner,
11 he did not know anyone who worked for the Zimmer committee, did not see Zimmer during the
12 primary and did not discuss the Zimmer campaign while he was working on he anti-Pappas
13 advertisements. *See* Sheridan Tr. at 87, 89, 103.

14 Sheridan also stated that Blakely was a HANJ supporter and provided advice to the group
15 on political and legislative issues. *See* Sheridan Tr. at 74, 75; *see also* Zimmer Tr. at 23; Blakely
16 Tr. at 18-20. According to Bobbie Horowitz, who served for a time as HANJ's president, HANJ
17 relied on Blakely to advise the Board of Directors how to operate as a grassroots organization
18 and navigate controversial issues. Sheridan testified that he contacted Blakely at the Jamestown
19 offices on business matters prior to the NJCTR advertising campaign. *See* Sheridan Tr. at 209,
20 210. For example, Sheridan recalled contacting Blakely at Jamestown in January 2000, which
21 contacts were likely related to a HANJ-sponsored advertising campaign. *See* Sheridan Tr. at
22 209, 210, 301, 302; Weitzner Tr. at 18.

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1 Zimmer, Weitzner, Blakely, and Sheridan also had interactions through a now defunct
2 organization that Zimmer founded and chaired, called the Coalition for Lower Taxes ("CLT").
3 Weitzner served as executive director and media consultant for CLT and Blakely volunteered for
4 the group.⁹ See Zimmer Tr. at 16, 17; Weitzner Tr. at 14, 15; Blakely Tr. at 15, 16; see also
5 MUR 4238 (Zimmer for Senate, Inc.) (CLT and Weitzner, as CLT's executive director, were
6 named as respondents in this matter involving alleged coordinated advertisements opposing a
7 potential federal candidate). Sheridan testified that he and HANJ supported CLT's agenda and
8 attended its meetings. See Sheridan Tr. at 72.

9 The evidence indicates that Weitzner and Blakely's relationships with Sheridan went
10 beyond their political association. Over the years, Weitzner and Blakely have also been
11 customers at Valley Furniture, Inc., where Sheridan manages the conservation and restoration
12 departments. See Sheridan Tr. at 67, 211, 212. Sheridan testified he has "done a lot of furniture"
13 for Weitzner and his wife over the years and that they purchased a dining room set from him
14 about a year ago. See Sheridan Tr. at 211; Weitzner Tr. at 20. Sheridan has restored furniture
15 for Blakely and also provided advice on prospective purchases. See Sheridan Tr. at 212; Blakely
16 Tr. at 242.

17 **B. Prelude to the Anti-Pappas Advertisements**

18 1. The Bennett Letter

19 Zimmer testified that his campaign against Pappas was going well during March and
20 April 2000. He was leading in his committee's polls and had won the endorsement of all five
21 county party organizations, which victory gave him preferred ballot position. According to

⁹ CLT appears to have shared space with Jamestown and Zimmer for Senate, Inc. See Zimmer Tr. at 18. See also MUR 4238 (Zimmer for Senate, Inc.) (Designation of Counsel form for CLT dated February 2, 1997).

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1 Zimmer, the campaign was going so well that Pappas's own county chairman endorsed Zimmer.

2 See Zimmer Tr. at 84, 85.

3 According to Pappas, however, his internal polling indicated that he, and not Zimmer,
4 was the candidate more likely to defeat Democratic candidate Rush Holt. Pappas indicated polls
5 taken in late March 2000 showed him gaining ground on Zimmer as the primary drew closer.
6 According to Pappas, his committee was encouraged by the results of a GOTV/voter
7 identification program informing voters how close on the issues Zimmer was to Democratic
8 incumbent Rush Holt. See also *Pappas Poll Shows Him Beating Holt*, HOUSE RACE HOTLINE,
9 March 30, 2000 (Pappas Public Opinion Strategies Poll released March 29, 2000 in which
10 Pappas fares better than Zimmer in general election matchups against incumbent Holt) It is
11 probable that the Zimmer committee was well aware of the press reports of Pappas's continued
12 viability as a candidate, including an article carried in the e-publication, politicsnj.com, which
13 noted that "Pappas has come on strong lately."¹⁰ See politicsnj / *Torricelli for Governor Seems*
14 *an Unlikely Scenario*, March 7, 2000, at <http://www.politicsnj.com/March72000>.

15 The evidence suggests that the Zimmer committee and their Jamestown consultants were
16 concerned enough about Zimmer's chances in the primary to begin employing a strategy of
17 utilizing third parties in an effort to effect Pappas's withdrawal from the race. Weitzner testified
18 that the campaign, which wanted to conserve its resources, made a "determined effort" to

¹⁰ The political website politicsnj.com compiles political news from the morning newspapers and provides advice, opinion and commentary. It is "mandatory daily reading for the political class in New Jersey.. " Herb Jackson, *Website Keeps Them All Guessing Delivers More Scoop than Ben and Jerry's* NEW JERSEY RECORD, May 6, 2002 Weitzner testified that he was a "pretty regular reader" of the site in 2000 and had even contributed information via e-mail. See Weitzner Tr. at 139. Blakely admitted that he read it "frequently" in 2000 and had also contributed articles See Blakely Tr. at 106 ,107 Zimmer was also a reader of the e-publication See Zimmer Tr. at 93

1 discourage Pappas from filing.¹¹ See Weitzner Tr. at 150, 151. According to Weitzner, Zimmer
2 was the more electable candidate – Pappas lost every county convention, was not raising any
3 money, and the Republican Congressional Leadership wanted Zimmer as the candidate. *Id.*
4 Weitzner admitted that he and Holub spoke to the National Republican Congressional
5 Committee (“NRCC”) about having members of Congress call Pappas to discourage him from
6 running by convincing him that his chances of winning were poor. See Weitzner Tr. at 151.
7 These efforts were unsuccessful. *Id.* at 152.

8 The Zimmer committee, including its Jamestown consultants, next tried to achieve the
9 desired result by having a member of the New Jersey State Republican Leadership urge Pappas
10 to withdraw from the race. This effort was more heavy-handed than the efforts made through the
11 NRCC in that respondents used this third party to call for Pappas’s withdrawal using highly
12 inflammatory and negative information culled from the Zimmer committee’s own opposition
13 research file, and communicated this message directly to Pappas and the New Jersey political
14 cognoscenti.

15 Specifically, Zimmer 2000’s opposition research file contained information relating to
16 Pappas’s connection to the Pillar of Fire International Christian Church and the alleged
17 association of its founder, Alma White, with the Ku Klux Klan (“KKK”), which information
18 Zimmer testified was gathered as a part of the committee’s “normal opposition research.” See
19 Zimmer Tr. at 70, 71. Zimmer decided that this was not an appropriate issue to use during the
20 primary and so advised Weitzner and Holub during discussions held at the campaign’s
21 headquarters. See Zimmer Tr. at 96, 97, 101, 102. Zimmer testified that he believed this
22

¹¹ It is likely that Weitzner was referring to the requirement that candidates in New Jersey file must petitions to get on the ballot. See <http://www.state.nj.us/lps/elections>

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1 discussion was enough to keep Weitzner "from doing what I didn't want him to do." *See*
2 Zimmer Tr. at 102.¹² Nonetheless, Jamestown and the campaign's staff used this information
3 against Pappas through the vehicle of an "open letter," ostensibly authored by a third party, State
4 Senate Majority Leader John O. Bennett ("Bennett letter"). *See* Zimmer Tr. at 101. Bennett was
5 a friend and former State Senate colleague of Zimmer, and a former Jamestown client.¹³ Zimmer
6 Tr. at 85, 86.

7 The Bennett letter, dated April 11, 2000, was sent directly to Pappas and also distributed
8 on the e-publication, politicsnj.com. Ex. 3. It urged Pappas to withdraw from the primary, in
9 part because of his association with the Pillar of Fire church. The fourth paragraph of the letter
10 stated:

11 The Democrats will not hesitate to exploit the recent news article detailing your
12 employment with the Pillar of Fire church and its association with the Ku Klux Klan.
13 And I am certain the Democrats can't wait to dust off their commercial of you singing,
14 "Twinkle, Twinkle Kenneth Star." Ex. 3.

15 According to Bennett, while he takes overall responsibility for the letter, he was not its
16 true author. Bennett indicated that the letter was not generated out of his office and it contained
17 certain information that he was unaware of at the time of the letter's release. Specifically,
18 Bennett knew nothing about and did not write the sentence in paragraph four relating to Pappas's
19 connection to the Pillar of Fire International Christian Church and the alleged link between that
20 church and the KKK. Bennett believes that his participation in the letter originated with a call

¹² Weitzner admitted that the issue of Pappas's connection with the Pillar of Fire International Christian Church and its founder's alleged connection with the KKK was discussed with the campaign. *See* Weitzner Tr. at 192. Blakely testified that he might have seen the Zimmer campaign's opposition file research, but could not recall specifically. *See* Blakely Tr. at 168, 169.

¹³ Bennett ran against Pappas in the 1996 Republican congressional primary in the 12th district. According to Bennett, he had worked with both Weitzner and Blakely in the past and Jamestown provided consulting services during his unsuccessful race for Congress. *See also* Weitzner Tr. at 148.

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1 from Zimmer. According to Bennett, it is likely he discussed the mechanics of generating the
2 letter, such as providing his letterhead and his signature, with either Blakely or Holub.¹⁴

3 While Zimmer claims he did not permit his own campaign to use the information relating
4 to Pappas and his association with the Pillar of Fire International Christian Church, the evidence
5 suggests that he did not have a problem with the information being used on his behalf by a third
6 party. *See* Zimmer Tr. at 97. Zimmer's deposition testimony indicates that he played, at the
7 very least, some kind of oversight role with regard to the Bennett letter. Zimmer testified that he
8 could not rule out that he called Bennett and asked him to sign the letter. *Id.* at 88, 89. Although
9 Zimmer was unable to recall whether he had input into its content or specifically approved its
10 release, he testified that he was sure he discussed the letter with Weitzner at around the time it
11 was written and admitted that he probably saw the letter itself at some time in April 2000. *See*
12 *id.* at 87, 91; Weitzner Tr. at 87, 92.

13 The evidence confirms that Zimmer campaign manager Holub and Weitzner were
14 directly involved in the creation and distribution of the letter. *See* Weitzner Tr. at 149, 150, 152;
15 Zimmer Tr. at 87-90, 92. In particular, Weitzner remembered drafting parts of the letter but was
16 unable to recall what he specifically contributed. *See* Weitzner Tr. at 152.

17 Through the "open letter" format, Zimmer 2000 was able to use the potentially damaging
18 information contained in their opposition files about Pappas and his association with the Pillar of
19 Fire International Christian Church while insulating the committee from any criticism about
20 engaging in negative campaigning. It appears that this strategy was successful as the press never
21 linked Zimmer 2000 to the "open letter" and instead characterized it as a call from New Jersey's

¹⁴ Blakely testified that he did not recall being involved in creating the "open letter," but was sure he must have read it when it was posted on-line. *See* Blakely Tr. at 108-110. However, Blakely did state that he saw Bennett frequently and that they may have discussed it at some point in time. *Id.*

1 Republican political leaders for Pappas to withdraw from the race and line up behind Zimmer.
2 *See* politicsnj / *Morris Republicans Pursue Possible Open Assembly Seat*, April 14, 2000, at
3 <http://www.politicsnj.com/April112000.html>; Enid Weiss, *State Majority Leader Calls on*
4 *Pappas to Drop Out of Race*, NEW JERSEY JEWISH NEWS, April 27, 2000; *Zimmer Hits Airwaves,*
5 *HOUSE RACE HOTLINE*, April 26, 2000. Once again these efforts did not have the desired effect,
6 with the press reporting that Pappas's campaign dismissed Bennett's letter as "sour grapes"
7 stemming from Bennett's loss to Pappas in the 1996 Republican primary. *Zimmer Hits Airwaves*
8 *HOUSE RACE HOTLINE*, April 26, 2000; *see also* Weitzner Tr. at 152.

9 2. Formation of NJCTR and Fox Media

10 Since the strategy of eliminating Pappas as an opponent through the intervention of the
11 Republican leadership did not work, the evidence suggests that, as the primary drew close,
12 respondents' agents at Jamestown, Weitzner and Blakely, decided to bring the inflammatory
13 information relating to Pappas's connection to the Pillar of Fire church directly to the electorate
14 through a radio and direct mail advertising campaign. But, realizing that the harshness of such
15 an attack from the Zimmer committee might damage Zimmer's candidacy, respondents' agents
16 Weitzner and Blakely arranged to have NJCTR, a non-profit corporation controlled by Sheridan,
17 sponsor the anti-Pappas advertisements and Fox Media Consulting, a media company run by
18 Blakely out of Jamestown's offices produce them. The evidence demonstrates that by funding,
19 producing and distributing the anti-Pappas advertisements through these groups, the respondents'
20 agents Weitzner and Blakely believed that there was little chance that this activity would be
21 traced back to the Zimmer committee.

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1 Incorporated as a non-profit corporation with the state of New Jersey in 1997, NJCTR's
2 purpose was to heighten "public awareness for [*sic*] higher taxes and need for reform."¹⁵ See
3 Sheridan Tr. at 119. The evidence demonstrates that Sheridan, who controlled all of NJCTR's
4 activities, was favorably inclined to cooperate in a scheme to defeat Pappas in the 2000
5 Republican primary. Apart from Sheridan's longstanding relationship with Weitzner and
6 Jamestown and support for Zimmer, he had tremendous animosity towards Pappas. See Sheridan
7 Tr. at 104-110. According to Sheridan, Pappas had publicly belittled HANJ and also betrayed
8 the organization through tax votes made during his tenure as a Freeholder and as a member of
9 Congress. See Sheridan Tr. at 104-107. Sheridan testified that HANJ tried to defeat Pappas in
10 the 1996 primary and general elections and even went so far as to give his Democratic opponent
11 "everything we had on him." *Id.* at 107, 109, 110.

12 While NJCTR served as the named sponsor of the planned anti-Pappas advertising
13 campaign, a virtually unknown media company called Fox Media produced and distributed the
14 advertisements on behalf of Jamestown. Papers filed with the State of New Jersey indicate that
15 Blakely formed the company as a single member limited liability company in December 1999,
16 although Blakely testified that he began soliciting work for Fox Media in late 1998 or early
17 1999. See Blakely Tr. at 36, 47, 118, 119, 124. The entity, which did no advertising and did not
18 have a website, may not have had business cards, allegedly found its clients through "word of

¹⁵ According to Sheridan, NJCTR was an offshoot of HANJ, which until it ceased functioning was a for-profit continuing political committee registered with the New Jersey Election Law Enforcement Commission. He also said that NJCTR was formed to handle national issues while HANJ handled state issues. Bill Green, Holly Ferraro and Bobbie Horowitz, who made up HANJ's Board of Directors as of 2000, are also listed on NJCTR's Incorporation papers as members of its Board of Trustees. See also Sheridan Tr. at 116-121, 133. According to Green, Ferraro and Horowitz, they had little or nothing to do with NJCTR's activities, including but not limited to its finances. Ferraro and even NJCTR president Horowitz indicated that they knew nothing about the anti-Pappas advertisements. This conflicts with statements made by Sheridan in interviews and in his deposition. See Sheridan Tr. at 98, 99, 102, 103, 178, 179, 193, 194, 198, 199, 262

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1 mouth.”¹⁶ *Id.* at 124, 125, 131, 135. The investigation indicates that, prior to the press
2 maelstrom following the release of the anti-Pappas advertisements, Fox Media did not have a
3 listed telephone number and the firm neither received nor did any publicity. *Id.* 128-130. *Id.* at
4 124, 125, 131. Blakely testified that he was unsure whether those with whom he worked at
5 Jamestown, including Weitzner and Geller, were aware of Fox Media’s existence or whether he
6 had told anyone on the Zimmer campaign about his firm.¹⁷ *See* Blakely Tr. at 132, 133, 136,
7 137.

8 Fox Media and Jamestown were not separate entities in any meaningful way. Rather,
9 Fox Media’s purpose was to serve as a front organization for certain activities, like the anti-
10 Pappas advertisements, to which Jamestown did not want to attach its name.¹⁸ The evidence
11 demonstrates that during the relevant time period, Blakely freely utilized Jamestown facilities
12 and resources in the operation of Fox Media. Fox Media and Jamestown operated from the same
13 offices, and shared the services of an attorney as well an accountant. *See* Blakely Tr. at 116,
14 122, 123; Weitzner Tr. at 27, 28, 36. Fox Media’s mail was delivered to Jamestown’s offices
15 and its checks carried Jamestown’s address. Ex. 4. Blakely testified that one of Jamestown’s

¹⁶ Blakely testified that Fox Media had no clients in 2005 and couldn’t recall whether the company had any clients during the 2002 or 2004 election cycles. *Id.* at 131. Blakely was unable or unwilling to provide the names of any other clients served by Fox Media beyond NJCTR. *Id.* at 130, 143, 148, 149.

¹⁷ Blakely testified that he could not “recall offhand” whether Weitzner knew he had started Fox Media, but he believed that Weitzner may have been aware of the firm. *See* Blakely Tr. at 133. He did not know whether Geller was aware that he had started the firm. He also testified that he did not know whether Jencik was aware of Fox Media’s existence until right before June 1, 2000 when the anti-Pappas advertisements ran. *See* Blakely Tr. at 133, 134. Weitzner testified that he could not recall specifically when he first heard of Fox Media. He claimed that he did not know prior to the publicity surrounding the anti-Pappas advertisements that Blakely was using Jamestown resources and personnel on behalf of Fox Media. *See* Weitzner Tr. at 161, 169, 170. Zimmer thinks he first learned about Blakely’s connection to Fox Media through reading press articles relating to the anti-Pappas advertisements. He testified that he did not know that Fox Media was operating out of Jamestown’s offices. *See* Zimmer Tr. at 46, 47, 111, 123.

¹⁸ According to a former Jamestown consultant, Fox Media was a Blakely/Weitzner creation.

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1 graphic designers laid out some letterhead for Fox Media. Blakely Tr. at 131, 133. Jamestown's
2 bookkeeper Capasso maintained and balanced Fox Media's checkbook, wrote checks for
3 Blakely's signature and made deposits. See Blakely Tr. at 142, 173-5, 209. In fact, Blakely
4 testified that anyone at Jamestown, including but not limited to Capasso and media buyer Jencik,
5 was authorized to write a check or make a deposit on Fox Media's behalf. *Id.* at 207-209.

6 According to Capasso and Jencik, Fox Media's use of Jamestown's offices and
7 Jamestown's resources was well known by Jamestown's personnel. Capasso indicated that
8 everyone seemed aware that she was doing work for Fox Media. Certainly the layout of
9 Jamestown's offices where respondents were located in June 2000, made it unlikely that Fox
10 Media's existence and the nature of its activities were not a matter of general knowledge.
11 According to Jencik, Weitzner had a corner office in-between the offices occupied by Capasso
12 and Blakely. Jencik's own office was separated from Blakely's by a conference room. Jencik
13 indicated that her office was directly across from the open area in the suite where the file
14 cabinets and the Zimmer 2000 campaign staff had their desks.

15 C. The Anti-Pappas Advertisements

16 1. Initiation and Funding of the Advertising Campaign

17 Respondents' agents Blakely and Weitzner, were the driving forces behind the anti-
18 Pappas advertisements. The evidence suggests that Blakely engineered NJCTR's sponsorship of
19 the advertising campaign through his association with Sheridan and that the funds NJCTR used
20 in the anti-Pappas advertising campaign were deliberately arranged by Blakely and Weitzner to
21 come from individuals with no direct ties to Zimmer or his committee.

22 Sheridan stated during an interview that the first contact between NJCTR and Fox Media
23 relating to the anti-Pappas advertisements occurred in April or May 2000. During this interview,

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1 Sheridan also indicated that Blakely might have called him and asked him if NJCTR “was doing
2 anything” on Pappas during the primary. According to Sheridan, this was typical of the way
3 political organizations such as NJCTR did business. On a later date, after Sheridan had
4 conferred with Blakely about the Commission’s investigation, Sheridan presented a different
5 scenario in which he developed the idea of running the advertisements based on his own research
6 and, claiming this was his usual practice, called Jamestown to see whether Jamestown could
7 produce and distribute the advertisements. According to Sheridan, the person he spoke with at
8 Jamestown said they could not get involved because they were managing Zimmer’s campaign
9 against Pappas, but suggested that he call Blakely, “who had his own media firm,” which
10 presumably was Fox Media. At his deposition, Sheridan changed his story yet again, testifying
11 that in fact he was not referred to Blakely after being turned down by Jamestown, but instead
12 Fox Media’s name was brought up in subsequent conversations with political activists whose
13 names he could not recall. *See* Sheridan Tr. at 98-100.

14 Blakely testified that Sheridan initiated the ad campaign on behalf of NJCTR. *See*
15 Blakely Tr. at 150. The evidence suggests that the first scenario presented by Sheridan, in which
16 Blakely made the initial contact, is the most plausible, as that explanation preceded Sheridan’s
17 conferring with Blakely and is entirely consistent with respondents’ prior efforts to alter the
18 dynamics of the race, such as the attempts to force Pappas’s withdrawal through the use of third
19 parties via the Republican Congressional leadership and Bennett.

20 An additional factor pointing to respondents’ agents Blakely and Weitzner as the
21 instigators of the advertising campaign is that NJCTR did not have the funds or the capability to
22 raise the funds necessary to underwrite the anti-Pappas advertisements. The group’s bank
23 statements show that it started the month of April with a bank balance of \$31.21. Ex. 5. In fact,

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1 there was little activity in the account during April 2000 and most of May 2000. Despite
2 Sheridan's claims that he raised the funds for the advertisements himself through a direct mail
3 solicitation, the fact is that neither Sheridan nor anyone else connected with NJCTR solicited the
4 funds used to produce and distribute the anti-Pappas advertising campaign. *See Sheridan Tr.* at
5 186-192. According to NJCTR board member Green, NJCTR had generated fundraising letters
6 in the past, but never raised much money as the average contribution was in the range of \$35.¹⁹

7 As the following chart demonstrates, between May 31, 2000 and June 5, 2000, NJCTR
8 deposited six checks totaling \$90,000 into its bank account. Ex. 6. Fifty-thousand dollars
9 (\$50,000) came from a single donor, Thomas Ferguson, whose son, Representative Mike
10 Ferguson, was one of Jamestown's biggest clients in 2000. *See Weitzner Tr.* at 112. Another of
11 Jamestown's biggest clients, Essex County Executive and U.S. Senate candidate James
12 Treffinger, solicited the remaining \$40,000 from three of his supporters. *Id.* It does not appear
13 that these four individuals were aware that their donations to Citizens for Tax Reform

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¹⁹ NJCTR board member Horowitz, who knew nothing about the anti-Pappas advertising campaign, was unaware that the organization was raising money and did not know of any large donations to group, including any in the amount of \$50,000

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1 ("CTR") were going to be used to underwrite an advertising campaign opposing Pappas.²⁰

DEPOSIT DATE	PAYOR	AMOUNT
May 31, 2000	Thomas Ferguson	\$50,000
June 1, 2000	SSH, Inc. Check signed by Vernon W Hill II	\$10,000
June 1, 2000	COMPAC NJ Check signed by. Vernon W. Hill II	\$10,000
June 5, 2000	Correctional Health Services, Inc Check signed by. Robert Detore and Andrew Cavaliere	\$10,000
June 5, 2000	King Realty Assoc LLC Check signed by. Anthony Marino	\$5,000
June 5, 2000	Barbara Realty Check signed by: Anthony Marino	\$5,000
		Total: \$90,000

2
3 Thomas Ferguson does not have a specific memory of the circumstances surrounding the
4 solicitation that resulted in him issuing a check for \$50,000 to CTR.²¹ He was under the
5 impression that CTR was somehow connected to Americans for Tax Reform ("ATR").²²
6 According to Ferguson, if CTR was a state chapter of ATR, it would be the type of conservative

²⁰ The evidence suggests that in a further effort to obscure the true identities of those involved in the scheme, the sponsoring organization was identified to donors and the public as Citizens for Tax Reform and not New Jersey Citizens for Tax Reform. All six checks were made out to CTR. Ex. 6 Documents related to the airing of the radio advertisements as well as the checks to the radio stations that Fox Media produced during the investigation also refer to the sponsoring organization as CTR. Ex 4, Ex 7

²¹ According to Ferguson, he did not support either Zimmer or Pappas in the 2000 Republican primary. Ferguson indicated that he was disinclined to contribute to either Zimmer or Pappas in 2000 because the former was pro-choice and the latter failed to demonstrate the appropriate gravitas while he was serving in Congress.

²² Sheridan testified that NJCTR was not a state chapter of ATR. See Sheridan Tr at 134 CTR, however, is listed as a coordinating organization for Americans for Tax Reform's 1997 State Taxpayer Protection Pledge. This item also provides Sheridan's home address as the New Jersey address for CTR. See *State Taxpayer Protection Pledge Listing of State Organizers as of October 14, 1997*, <http://home.southwind.net/~ktj/statepledge.html>

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1 organization that would support candidates he wanted to support. Ferguson offered that he
2 hoped that CTR would contribute to his son and other Republicans running at the time.

3 While most requests for donations and contributions would have to be in writing and go
4 through his personal staff, Ferguson acknowledged that Weitzner and Blakely were among those
5 individuals who could have gotten through to him directly to request a donation or
6 contribution.²³ Ferguson knew both Weitzner and Blakely because Jamestown was the
7 consultant on his son's 1998 and 2000 congressional campaigns.²⁴ See Blakely Tr. at 55, 58;
8 Weitzner Tr. at 140, 141. According to a former Jamestown consultant, Ferguson was heavily
9 involved in his son's 2000 campaign and called the office frequently. Ferguson's interactions
10 with Jamestown included his attendance at polling meetings presided over by Arthur Finkelstein,
11 one of Jamestown's consulting pollsters, and telephone discussions with Weitzner. See Weitzner
12 Tr. at 141, 144; Blakely Tr. at 61. Ferguson and Weitzner were on such good terms that
13 Weitzner even attended a private reception that Ferguson hosted at a Washington, D.C.
14 restaurant during the 2004 presidential inauguration. Weitzner Tr. at 142-143. Thus, the
15 relationship between Ferguson and respondents' agents was sufficiently close that, considering
16 all the other circumstances as well, an inference can be drawn that respondents' agents were
17 involved, directly or indirectly, in this donation. Certainly Blakely's prior knowledge of the
18 Ferguson donation as described below indicates that Blakely participated in orchestrating
19 Ferguson's donation to NJCTR and NJCTR's payment of the \$45,000 to Fox Media.

²³ According to Ferguson, Zimmer could also reach him directly. Ferguson did not know Treffinger.

²⁴ Weitzner testified that the Ferguson for Congress committee was a big client for Jamestown in 2000. See Weitzner Tr. at 112.

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1 Blakely claimed not to know how the NJCTR advertising project was financed and
2 specifically denied soliciting Ferguson for a donation to that organization. *See* Blakely Tr. at
3 170, 246-248. The timing of NJCTR's receipt and deposit of Ferguson's check, Blakely's
4 placement of the anti-Pappas radio advertisements, and Fox Media's receipt of its first check
5 from NJCTR, however, suggest that Blakely knew in advance that the Ferguson donation was
6 being made to NJCTR and that, in turn, Fox Media could expect a large infusion of money.
7 Ferguson's check was dated on May 31, 2000 and deposited into NJCTR's account on that same
8 date, suggesting that the check was either picked up or delivered to NJCTR on May 31, 2000.
9 Ex. 6; Ex. 8. Sheridan testified that he did not know Ferguson and was surprised to receive the
10 donation for \$50,000. *See* Sheridan Tr. at 225, 232.²⁵ Also on May 31, 2000, Blakely issued at
11 least \$32,351 in checks to radio stations for placement of the anti-Pappas advertisements.²⁶ Ex.
12 8; Ex. 9. Blakely issued these checks despite Fox Media having a \$16,343.55 balance in its bank
13 account. Ex. 8. The next day, June 1, 2000, Sheridan provided Blakely with a \$45,000 NJCTR
14 check to cover the checks Blakely issued to the radio stations. Ex. 8; Ex. 10. The NJCTR check,
15

²⁵ Sheridan did not recall soliciting the Ferguson donation and assumed that Ferguson was "somebody on our mailing list." *Id* at 225, 226. Although he did not have a specific memory of receiving this check, Sheridan claimed that the donation checks he received in May and June 2000 were delivered by mail and not delivered by hand. *Id* at 229-231

²⁶ These checks, all dated May 31, 2000, were issued to. WWOR for \$10,880 (check #1011); WCBS-AM for \$14,450 (check #1012); and NJ 101.5 for \$5,418.75 (check #1014) Ex. 8. Written on the memo lines on the WWOR check was "6/1-6/6 Citizens." Ex. 4. Written on the memo lines for the latter two checks was 6/1-6/6 Ex. 6; *See also* Blakely Tr. at 209-211. Fox Media's bank statement also reflects that a check (#1013) for a \$1,602.25 check to WCTC cleared on June 5, 2000. Ex. 8. Given the check number and the date of clearance it is likely that the anti-Pappas advertisement also aired on this radio station Ex. 8

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1 dated June 1, 2000, was deposited in the Fox Media account on that same day.²⁷ Ex. 9. Based
2 on this pattern, an inference can be drawn that Blakely participated in orchestrating Ferguson's
3 donation to NJCTR and NJCTR's payment of the \$45,000 to Fox Media.

4 Jim Treffinger solicited the remaining \$40,000 for NJCTR.²⁸ An inference can be drawn
5 that he was asked to participate in this scheme by his Jamestown consultants, both of whom he
6 knew prior to hiring Jamestown as his principal campaign consultant for his 2000 U.S. Senate
7 campaign. This scenario is made all the more likely given that Treffinger and Blakely enjoyed
8 significant political and personal connections and Treffinger was willing to use his fundraising
9 abilities for other candidates to curry favor.²⁹

10 Treffinger was in a position to perform this service. According to his campaign manager,
11 Matthew Kirnan, the Treffinger campaign had effectively shut down five weeks before the
12 primary, so Treffinger's schedule was open during what is typically a busy time for campaigns.

²⁷ Sheridan testified that all the checks to Fox Media were sent by mail and that when he mailed a check he so informed Blakely by telephone. *See* Sheridan Tr. at 232-234. Blakely, however, did not recall being notified in advance to expect the NJCTR checks and did not recall the specifics of how he received the NJCTR checks, although he stated he received at least one check through the mail. *See* Blakely Tr. at 170, 171. Despite testimony regarding donation checks and checks to Fox Media being mailed, the fact that Ferguson's donation of \$50,000 was made and deposited on the same day and that the \$45,000 check to Fox Media was also dated and deposited on the same date suggests that these two checks, at least, were delivered by hand.

²⁸ Treffinger was deposed in this matter, but chose to assert his Fifth Amendment right against self-incrimination. Treffinger asserted the Fifth Amendment with respect to virtually all questions posed during the deposition, including but not limited to, questions pertaining to his relationships with Zimmer, Weitzner, Blakely and Sheridan; the identities of those who enlisted his services in soliciting the \$40,000 for NJCTR, the involvement of Zimmer, Weitzner, Blakely and Sheridan in the solicitation and donation of funds to NJCTR, the details and circumstances surrounding his solicitation of these funds, the reasons for his participation in the scheme to raise money for the anti-Pappas advertisements; and his knowledge regarding how the funds he raised were used. *See* Treffinger Tr. at 10-63.

²⁹ Blakely, who came from Essex County, took a leave of absence from Zimmer's congressional office to manage Treffinger's first campaign in 1994 for Essex County Executive. Blakely also served as a strategic advisor during Treffinger's 1998 re-election campaign. *See* Weitzner Tr. at 54, Blakely Tr. at 64; *see also* Jamestown Website, <http://web.archive.org/web/20000920075508/www.jamestownassociates.com> (last accessed May 5, 2005). In addition, Blakely had connections to Treffinger through Blakely's cousin who was Treffinger's chief of staff. *Id.* at 67, 68.

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1 Kirnan indicated that five weeks before the primary the campaign staff was unoccupied and the
2 headquarters was quiet. In addition, Kirnan indicated that Treffinger was eager to help other
3 candidates in order to lay the groundwork for future runs for office. It makes sense that
4 Treffinger would be willing to assist Zimmer a former resident of Essex County whom he had
5 known since the early 1990s. *See* Zimmer Tr. at 131, 131. According to Zimmer, Treffinger
6 helped him in his 1996 campaign for the U.S. Senate and may have endorsed him in that race.
7 *Id.* Kirnan confirmed that Treffinger and Zimmer were friendly during that time period, often
8 appearing at the same campaign events.

9 According to Kirnan, Treffinger approached him at the Treffinger campaign headquarters
10 in Verona and said that he “wanted to help our friend Zimmer” in his race by raising money for
11 CTR; that the money would be used by the group to “help Zimmer” do a mailing; that the plan
12 was to approach Treffinger’s top supporters and tell them that their contributions to CTR were
13 important to Treffinger; and that they should give the money as a favor “for Jim.”

14 The first checks solicited by Treffinger for CTR appear to be the two \$10,000 checks
15 signed by Vernon W. Hill II (“Hill”), the president of Commerce Bancorp, Inc. During the
16 relevant time period, Hill also served as chairman of the bank’s state political action committee,
17 COMPAC NJ.³⁰ As chairman, he determined which political committees and entities received
18 contributions and donations. According to Hill, he also had check writing authority for SSH,
19 Inc., which is a design and architectural firm operated by his wife, Shirley Hill.

20 Hill did not have a specific recollection of the solicitation, but believed that Treffinger,
21 whom he knew personally, may have asked him to make the contribution. This belief is

³⁰ COMPAC NJ does not file with the FEC. It is affiliated with Commerce Bancorps federal PAC, Commerce Bancorp, Inc – Political Action Committee, which is registered with the FEC

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1 supported by the COMPAC NJ's check register, which contained the notation that the check to
2 "Citizens for Tax Reform" was "for: Treffinger." Ex. 11.

3 According to Robert Detore, Treffinger personally solicited the \$10,000 donation he
4 made to CTR through Detore's company, Correctional Health Services, Inc.³¹ Detore recollected
5 that Treffinger said that he needed him to contribute \$10,000 to a public interest group.

6 According to Detore, Treffinger was insistent that he make the donation. When Detore
7 complained that \$10,000 was "quite a bit of money," Treffinger told him that if he made the
8 contribution he would not ask Detore to contribute to any of his other political campaigns.

9 Detore, whose business interests at the time spanned seventeen New Jersey counties, felt it was
10 easier to acquiesce to Treffinger's demands and donate the money. At the time, Detore assumed
11 that the recipient, CTR, was promoting Treffinger's tax agenda. According to Detore, Treffinger
12 arranged to have someone, who Detore did not see, pick the check up at his office.

13 Anthony Marino signed two \$5,000 checks issued from bank accounts held by two of his
14 companies, Barbara Realty and King Realty Associates LLC. Kirman solicited these funds at the
15 behest of Treffinger. According to Marino, Kirman contacted him in the late afternoon of Friday,
16 June 2, 2000, and requested that he "help Treffinger" in the upcoming primary. Marino
17 indicated that he made the two donations assuming that CTR was a Republican political action
18 committee, which would in some fashion help Treffinger's campaign.

19 Out of the \$90,000 raised, NJCTR issued four checks totaling \$75,000 to Fox Media. Ex.
20 9. The evidence indicates that Fox Media made disbursements amounting to about \$70,000 on
21 the advertising campaign: \$50,064.81 on producing and distributing the radio and direct mail

³¹ The check, drawn on a corporate account, was also signed by company CFO, Andrew Cavaliere. According to Detore, company policy at the time was that all checks for over \$5,000 required two signatures

1 advertisements opposing Pappas and \$23,000 in payments Blakely made to himself and Jencik.
2 Ex. 8; Ex. 9. Blakely made two payments to himself out of the Fox Media account: one for
3 \$5,500 on June 5, 2000, and a second one for \$15,000 on June 21, 2000.³² See Blakely Tr. at
4 186, 187, 201, 202; Ex. 8. Blakely also made a payment to Jencik in the amount of \$2,500 on or
5 about June 6, 2000. Ex. 12.

6 As the evidence outlined above indicates, the funds used to underwrite the anti-Pappas
7 advertising campaign were deliberately arranged by Blakely and Weitzner to come from
8 individuals with no direct ties to Zimmer or his committee.³³ The only discernable connection
9 between these donors and the anti-Pappas advertisements is that they had significant connections
10 to two of Jamestown's biggest clients, Representative Mike Ferguson and Treffinger. Blakely
11 and Weitzner used their connections with Representative Mike Ferguson's father and Treffinger
12 to raise what they believed would be untraceable funds to generate the anti-Pappas
13 advertisements.

14 2. Production and Distribution of the Anti-Pappas Advertisements

15 Both Weitzner and Blakely testified that the subject radio advertisements stated, at least
16 in part, that "[t]here is no room in America for hatred and intolerance. Tell Mike Pappas to
17 resign from the Pillar of Fire, and never work for that type of organization again." See Weitzner

³² Blakely testified that the \$15,000 Fox Media check, which according to the redacted Fox Media bank statement was posted on June 21, 2000, represented his salary for a portion of all the work he did that year, although he was unable to state how much salary he paid himself out of the Fox Media account in 2000 or whether he paid himself a salary out of that account on a regular basis. See Blakely Tr. at 186, 187, 201, 202.

³³ None of the individuals or entities that donated to NJCTR appears to have contributed to Zimmer 2000, but the evidence demonstrates that they were supporters of Treffinger. According to the FEC database, Marino, his wife Barbara, Hill and his wife Shirley contributed to Treffinger's 2000 senate campaign committee. Detore made a contribution in 2002 to Treffinger for Senate, Inc. The New Jersey Election Law Enforcement Commission database indicates that the Essex County Republican Committee received contributions from COMPAC NJ in 1998 and 2000, from Barbara Realty in 1998 and 1999, and from Marino in 1999.

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1 Tr. at 179, 185; Blakely Tr. at 169. Zimmer testified that this statement comports with the
2 content of the advertisement that he heard on or about June 1, 2000. *See* Zimmer Tr. at 63-65.
3 Zimmer also recalled that the disclaimer identified the sponsor as CTR. *Id.* at 117. This message
4 in the radio advertisement was virtually identical to that of the Bennett letter to Pappas generated
5 by the committee in early April 2000.

6 The radio advertisements were broadcast on WCBS, WOR, WCTC and WKXW from
7 June 1 through June 6, 2000.³⁴ Ex. 4; Ex. 7. According to Jencik and personnel at WKXW
8 (NJ101.5 FM), the radio station refused to run this advertisement based on its inflammatory
9 content and instead ran a tax advertisement.³⁵ According to a volunteer for the Pappas
10 campaign, the substitute was an advertisement critical of one of Pappas's tax votes, the substance
11 of which was identical to the content of a mailer issued by the Zimmer campaign.³⁶ The
12 evidence demonstrates that Fox Media spent \$36,321 on the production, placement and
13 disbursement of the radio advertisements. Ex. 12.

14 Although the funds to pay for the advertisements came from NJCTR, the anti-Pappas
15 advertising campaign was a Jamestown project, which respondents ran through Fox Media in a

³⁴ WCBS radio's coverage area includes twenty counties in New York State, New Jersey and parts of Connecticut. *See* WCBS Website, <http://www.WCBS880.com> (last accessed May 19, 2005). Coverage for WWOR's primary services reaches New York State, New Jersey, Connecticut and parts of Rhode Island. *See* WWOR Website, <http://www.WOR710.com> (last accessed May 19, 2005).

³⁵ WKXW is the largest radio station in New Jersey. *See* WKXW's Website, <http://www.nj1015.com> (last accessed May 19, 2005).

³⁶ Jamestown drafted the script for a mailer it produced on behalf of Zimmer 2000, which references several occasions on which Pappas allegedly voted to raise taxes. Ex. 13

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1 deliberate effort to hide its origins.³⁷ Jamestown vice president Blakely admitted that he
2 managed the project by drafting the script, overseeing production and distribution, and covering
3 the associated costs through Fox Media's bank account. See Blakely Tr. at 150. The
4 advertisements were developed, produced and distributed using Jamestown's facilities, resources
5 and personnel, including but not limited to, the services of Jencik in placing the advertisement.
6 Blakely admitted that he provided Jencik with the information necessary to place the radio buy at
7 her Jamestown office. See Blakely Tr. at 216. Jencik, who had left the Zimmer campaign
8 payroll sometime in April 2000, placed these advertisements at some point in late May or early
9 June of 2000. Jamestown records reflect that Jencik continued to receive her regular semi-
10 monthly Jamestown retainer of \$1,500 during this time period. Ex. 2. Pam Lewis, who did the
11 voice-overs, and Baker Sound, where the advertisements were recorded, were both Jamestown
12 vendors. *Id.* at 165, 216, 217.

13 The evidence is equivocal, but it is likely that respondents' agent Blakely was also
14 responsible for issuing a district-wide mail piece featuring virtually the same content as the radio
15

³⁷ Although NJCTR nominally paid for the anti-Pappas advertisements, the evidence suggests that Sheridan was minimally involved in the mechanics of creating these advertisements. For example, Blakely – not Sheridan – decided how long the radio advertisements ran. Sheridan meanwhile did not know how often the advertisements ran, had no idea what the radio advertisements cost, had no idea what he was paying Fox Media to handle the campaign, and had no idea what profit Blakely took for his participation in the project. See Sheridan Tr. at 167, 173, 175, 182, 183, 200, 214, 215. According to Capasso, Sheridan telephoned Blakely once or twice at Jamestown during the relevant time period, making it likely that their communications were limited to discussions relating to the transfer of funds to cover the advertising campaign.

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1 advertisements.³⁸ Although Blakely testified that he couldn't recall doing a direct mail piece on
2 the same theme as the radio advertisement linking Pappas to the KKK, he did state that his
3 records appear to reflect distribution of funds for such a project. *Id.* at 157, 231-233. Blakely
4 was unable to identify any other direct mail projects that Fox Media was involved with at the
5 time that could account for these disbursements. Based on Blakely's testimony, Fox Media's
6 bank statements and information from one vendor, it appears that Fox Media spent
7 approximately \$12,218.81 in payments made to vendors and consultants who worked on the
8 direct mail piece.³⁹ *Id.* at 197, 198, 231, 232, 233; Ex. 8. At least one of Jamestown's graphic
9 artists, Sheila "Buffy" Swanson, as well as several of the vendors involved with the labeling and
10 mailing of the anti-Pappas brochure were Jamestown subcontractors. *See Weitzner Tr.* at 44;
11 *Blakely Tr.* at 137.

12 3. Aftermath

13 The anti-Pappas advertisements garnered a great deal of press attention in New Jersey.
14 *See Sheridan Tr.* at 179; *Zimmer Tr.* at 110. Weitzner and campaign manager Holub formulated

³⁸ In an interview, Sheridan stated that Blakely produced direct mail on behalf of NJCTR. During another interview, Sheridan claimed that he himself printed up some anti-Pappas fliers, which were distributed in some shopping malls and around Pappas's neighborhood by individuals whom he paid in cash. At his deposition, however, Sheridan was unsure whether Fox Media had created an anti-Pappas mailing on NJCTR's behalf. He did state that he, on behalf of NJCTR, produced and had distributed an anti-Pappas flyer, tens of thousands of which were distributed right before the June 2000 primary throughout the entire congressional district. Sheridan claimed that he paid an NJCTR "volunteer" who either owned a copying business or worked in one to print the fliers. Sheridan was unable to recall the first or last name of this individual, identify his business or state how much the project cost. *See Sheridan Tr.* at 126-131. Sheridan testified that he paid the out of pocket expenses for this project, such as paying the individuals who circulated the fliers as well as the person who arranged for the printing, and then reimbursed himself with an NJCTR check, dated June 14, 2000, for \$4,000. The notation in the check's memo line was "ad campaign production." *Id.* at 273-275.

³⁹ Based on this evidence, it appears that Fox Media made the following disbursements in connection with the anti-Pappas flyer: Smith Edwards Dunlop - \$2,758 (6/5/00) and \$1,635 (6/16/00), A&E Mailers, Inc. - \$886 (6/6/00) and \$2,086 (6/16/00); Lists and Labels, Inc. - \$2,256 (6/26/00); and Sheila Swanson - \$1,625 (6/26/00). Swanson was able to account for at least \$1,025 worth of work that she did for Fox Media in May and June 2000. Blakely was unable to identify any clients or direct mail projects other than NJCTR that could account for these disbursements. *See Blakely Tr.* at 232.

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1 the Committee's response. *See* Weitzner Tr. at 186, 189; *see also* Zimmer Tr. at 66, 67. Holub,
2 on behalf of the Zimmer committee, publicly responded to these news reports, stating that Jencik
3 had ceased working for the Zimmer campaign in April 2000 to become an independent media
4 buyer and by asserting that she had left Jamestown's employment. *See* Aron Pilhofer, *Ex-aide of*
5 *Zimmer Linked to Ads*, HOME NEWS TRIBUNE, June 3, 2000 (hereinafter, "*TRIBUNE* article");
6 *Freshman (19R, 23D) – New Jersey 12: Six Degrees of Separation from Indie Ads?*, HOUSE
7 RACE HOTLINE, June 5, 2000; Susan Livio, *Democrats File Charges Against Zimmer Over Radio*
8 *Ad Campaign*, THE STAR-LEDGER, June 9, 2000. At the time these statements were made, the
9 Zimmer committee and its agents at Jamestown knew that Jencik had placed the anti-Pappas
10 radio advertisements while she was still working as Jamestown's media buyer. *See* Weitzner Tr.
11 at 119, 129, 185. According to a volunteer for the Pappas campaign, Jencik was still listed on
12 the Jamestown website on Thursday, June 1, 2000. *See also*, *TRIBUNE* article. This individual
13 indicated that by the weekend the entire website had gone off-line.⁴⁰ Jamestown's participation
14 in this activity was part of a continuing effort to maintain the fiction that the anti-Pappas
15 advertisements were not coordinated with the Zimmer campaign. Neither the Zimmer committee
16 nor Blakely himself ever publicly addressed his participation in the advertising campaign,
17 despite being identified in several articles as a partner at Jamestown. *See* Susan Livio, *Pappas*
18 *Calls Zimmer On Ad Linking Him to Klan*, THE STAR-LEDGER, June 2, 2000; *TRIBUNE* article.

19 On or about June 6, 2000, Blakely issued a \$2,500 check to Jencik from Fox Media's
20 bank account. Ex. 12. This single payment to Jencik, which Blakely made only after she was
21 identified in the press as having been connected to the anti-Pappas advertisements, was one and
22

⁴⁰ Weitzner testified that he could not recall whether Jamestown had a website in 2000. *See* Weitzner Tr at 42.

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1 two thirds as much as her semi-monthly retainer of \$1,500. *Id.*; *see also* Blakely Tr. at 218.
2 According to Jencik, she was surprised to receive the money as there was never any discussion
3 or agreement that she would be paid extra for placing the anti-Pappas radio advertisements. The
4 size of the check and its timing make it likely that it was an after-the-fact effort to distance
5 Jencik's work on the project from Jamestown and, of course, Zimmer 2000 and attach it more
6 firmly to Fox Media. Blakely first claimed this payment compensated Jencik "[f]or placing the
7 buy, doing the work on it, whatever. Whatever was entailed in the project." *Id.* at 215. Later,
8 after being reminded of the check's size and date of issuance, he conceded that he gave Jencik
9 the money because she had been accused of wrongdoing in connection with placing the
10 advertisement and it seemed like "fair compensation" for the trouble he had caused her. *Id.* at
11 218.

12 Weitzner and Blakely both testified that the candidate had no prior knowledge about the
13 advertisements and that he was disappointed and agitated once he found out about Blakely's
14 involvement in the anti-Pappas advertisements.⁴¹ *See* Weitzner Tr. at 32, 36, 189, 190; Blakely
15 Tr. at 223 -227; Zimmer Tr. at 65-68, 114, 115, 126. Zimmer testified that he heard the radio
16 advertisement referring to the Pillar of Fire International Christian Church and its alleged

⁴¹ According to Jamestown's Quicken records Blakely did not receive his monthly \$5,500 retainer in June 2000. Typically he received this payment on the first of the month. Ex. 2. Weitzner testified that as a consequence of Blakely's involvement in the advertising campaign, Blakely offered to pay his own retainer for the month of June as well as that of another consultant, Geller. *See* Weitzner Tr. at 69-74. Blakely testified that he could not recall whether he received his June 2000 retainer from Jamestown and did not remember even seeing the \$5,500 check he issued himself from the Fox Media account. *See* Blakely Tr. at 190, 191. An inference can be drawn that Blakely and Weitzner decided, as they had with Jencik, that Fox Media would pay Blakely as part of the effort to distance Blakely and his involvement with the anti-Pappas advertisements from Jamestown and Zimmer 2000. Fox Media's bank statement does reflect that a check for \$7,500 was issued to Geller on or about June 26, 2000. Ex. 8. The check was \$2,500 more than his monthly Jamestown retainer, which suggests that Geller performed unrelated work for Fox Media or, like Jencik, Geller was paid for his trouble in helping to respond to the press maelstrom after the release of the anti-Pappas advertisements. What is not credible is that Blakely's alleged payment of his and Geller's Jamestown retainer represents some form of negative consequence for his participation in the anti-Pappas advertising campaign, as the total payments from Fox Media to Blakely, Geller and Jencik all far exceeded their regular monthly compensation from Jamestown. Ex. 2; Ex. 8.

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1 association with the KKK on the first day the advertisements began to run, which was on June 1,
2 2000. *See Zimmer Tr.* at 63, 113. At some point after learning that Blakely and Jencik were
3 involved in the anti-Pappas advertisements, Zimmer spoke to both Weitzner and Blakely and
4 expressed his anger and asked for an explanation. *Id.* 111-114. Zimmer was unable to recall the
5 specifics of the conversation(s) he had with Weitzner and Blakely, but stated that he never got a
6 clear understanding of how the advertisements got on the air or who exactly was involved in
7 their production and distribution. *Id.* at 114-116. While Zimmer stated that he was too
8 engrossed in the primary campaign to pursue these questions, it is also true that he did not sit
9 down with Weitzner and Blakely at any time after the election to obtain an explanation as to how
10 it was that people associated with his campaign came to be involved in the anti-Pappas
11 advertisements. *Id.* at 116, 117. Claims that Zimmer reacted negatively to Blakely's
12 involvement in this activity carry even less weight in view of the ultimate result for Blakely.
13 Instead of getting fired from Jamestown or banned from the general election campaign, Blakely
14 continued to work for the campaign during the general election and the recount that took place
15 after the general election. *Blakely Tr.* at 241; *Weitzner Tr.* at 122, 123. It appears that Sheridan
16 and Zimmer were on good terms even after Sheridan and his organization were identified in the
17 press as the sponsor of the anti-Pappas advertisements. Sheridan attended Zimmer's invitation
18 only victory party and felt comfortable enough in that environment to walk up and congratulate
19 Zimmer personally. *See Zimmer Tr.* at 29, 30.

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1 **III. RESPONDENTS' COORDINATED ACTIVITY RESULTED IN THEIR**
2 **RECEIPT OF CORPORATE IN-KIND CONTRIBUTIONS IN VIOLATION OF 2 U.S.C.**
3 **§§ 434(b) and 441b**
4

5 The Act prohibits any person from knowingly accepting or receiving any corporate
6 contribution on behalf of a political committee. 2 U.S.C. § 441b. The Act further provides that
7 expenditures made “in cooperation, consultation, or concert, with, or at the request or suggestion
8 of, a candidate, his authorized political committees, or their agents, shall be considered to be a
9 contribution to such candidate” 2 U.S.C. § 441a(a)(7)(B)(i); *see also Buckley v. Valeo*, 424
10 U.S. 1, 46 (1976) (“controlled or coordinated expenditures are treated as contributions”). The
11 Commission’s regulations during the applicable period provided that an expenditure made in
12 coordination with a candidate’s campaign would be presumed to be an in-kind contribution to
13 that campaign when it is “made by or through any person who is, or has been, authorized to raise
14 or expend funds, who is or has been, an officer of an authorized committee, or who is, or has
15 been receiving any form of compensation or reimbursement from the candidate, the candidate’s
16 committee or agent.” 11 C.F.R. § 109.1(b)(4)(i)(B).⁴²

17 Under the regulations in place at the time, which focused on coordinated and independent
18 expenditures, an agent is defined as “any person who has actual authority, either express or
19 implied, to make or to authorize the making of expenditures on behalf of a candidate, or means
20 any person who has been placed in a position within the campaign organization where it would

⁴² On December 6, 2000, 11 C.F.R. § 109.1 was amended in part by revising certain paragraphs, including 11 C.F.R. § 109.1(b)(4). This particular regulation was revised to eliminate any presumption of coordination based on overbreadth concerns. *See Explanation and Justification for Regulations on General Public Political Communications Coordinated With Candidates and Party Committees, Independent Expenditures*, 65 Fed. Reg. 76138, 76145 (Dec 6, 2000). Subsequently, the Commission approved new regulations regarding coordinated public communications codified at 11 C.F.R. § 100.23, which became effective on May 9, 2001. *See* 66 Fed. Reg. 23,537 (May 9, 2001). BCRA repealed 11 C.F.R. § 100.23 and on December 5, 2002, the Commission approved new coordination regulations. Newly promulgated 11 C.F.R. § 109.20(a) defines “coordinated” to mean “made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, the candidate’s authorized committee, a political party committee, or the agents of any of the foregoing.”

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1 reasonably appear that in the ordinary course of campaign related activities he or she may
2 authorize expenditures.” 11 C.F.R. § 109.1(b)(5).

3 In Zimmer 2000's response to the notification that the Commission had found reason to
4 believe that the committee violated the Act, it did not deny the factual allegations made in the
5 complaint or coordinating the subject advertisements with Weitzner, Jamestown, Blakely, Fox
6 Media and NJCTR. Zimmer 2000 did not present any countervailing facts apart from stating that
7 CTR's spokesman, Sheridan, had been quoted in certain newspaper articles as denying any
8 connection between CTR and the Zimmer campaign. On behalf of respondents, campaign
9 manager Holub denied knowledge of the campaign or any person acting on behalf of the
10 campaign participating in the anti-Pappas advertising campaign. Ex. 1. The investigation has
11 revealed, however, that Zimmer 2000 actively participated in the anti-Pappas advertising
12 campaign.

13 Specifically, the evidence demonstrates that Weitzner and Blakely, as agents of the
14 committee, engineered the funding, production and distribution of the anti-Pappas
15 advertisements in order to benefit Zimmer in the 2000 primary election. Weitzner and Blakely's
16 agent status stems from their broad grant of authority to act on behalf of the committee in
17 achieving victory in that election. As detailed in Section II of this Brief, respondents'
18 Jamestown consultants had a broad grant of authority to achieve this goal – Jamestown
19 developed the campaign's strategy and theme, made expenditures for the production and
20 distribution of direct mail and radio and television advertisements, and directed the committee's
21 organization through Jamestown's participation in the selection of campaign staff. See Weitzner
22 Tr. 109, 116, 117; Ex. 16. Jamestown consultants Weitzner and Blakely used their authority

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1 within the campaign and every resource at their disposal, including but not limited to
2 Jamestown's personnel, facilities and client contacts, to ensure Zimmer's victory.

3 In part, the Zimmer committee's primary strategy focused on using third parties to effect
4 Pappas's withdrawal from the race before the June 6, 2000 primary. Respondents' agent
5 Weitzner, with the assistance of Zimmer 2000's campaign manager, appealed to Republican
6 Congressional leaders to encourage Pappas to leave the race and support Zimmer's candidacy.
7 When that did not work, Weitzner, with the candidate and the committee's participation, enlisted
8 State Senator Bennett to sign the "open letter," which urged Pappas's withdrawal in part by
9 spotlighting the highly inflammatory information from the Zimmer committee's opposition
10 research file relating to Pappas's association with a church linked to the KKK. When this effort
11 failed, their next step to ensure a Zimmer victory in the primary was the orchestration of the third
12 party sponsored and produced anti-Pappas radio and direct mail advertisements.

13 Respondents' agents Weitzner and Blakely engineered the anti-Pappas advertisements
14 with individuals and entities that to the general public appeared to be outside, the Zimmer
15 committee's sphere of influence. Specifically, respondents' agent Blakely secured the
16 participation of NJCTR as nominal sponsor of the advertisements through NJCTR founder and
17 spokesman Sheridan. It is reasonable to infer that respondents' agents Weitzner and Blakely
18 secured funding for the anti-Pappas advertisements by orchestrating \$90,000 in donations to
19 NJCTR from donors with connections to Jamestown clients Ferguson and Treffinger, donors
20 who were unaware that their funds were going to benefit the Zimmer campaign. NJCTR then
21 transferred \$75,000 of this money to Fox Media, which in turn spent approximately \$70,000 on
22 the production and distribution of the anti-Pappas advertisements.

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1 Blakely produced and distributed the advertisements through Fox Media so that the
2 activity could not be traced back to Jamestown and the Zimmer committee. By permitting the
3 advertisements to be produced and distributed under Fox Media's name, Blakely and Weitzner
4 were able to hide the true provenance of the advertisements, while all related activity was
5 performed in Jamestown's offices, using Jamestown's resources, by Jamestown's own personnel.
6 Through Weitzner and Blakely's orchestration of the funding, production and distribution of
7 radio and direct mail advertisements opposing the election of Pappas in the June 6, 2000
8 Republican primary, Zimmer 2000 accepted over \$70,000 in corporate in-kind contributions
9 from NJCTR. Zimmer 2000 has not reported its receipt of these in-kind contributions in any
10 disclosure report filed with the FEC.

11 It is appropriate to hold the Zimmer committee responsible for the actions of its agents,
12 Weitzner and Blakely, in orchestrating the anti-Pappas advertisements. The actions of
13 respondents' agents, which were aimed towards ensuring a Zimmer victory in the 2000 primary,
14 continued the committee's practice of using third parties to attack Zimmer's opponent.
15 Particularly in the case of the Bennett letter, Zimmer and his committee had shown a willingness
16 to publicize the exact same negative and inflammatory allegations about Pappas, the Pillar of
17 Fire International Christian Church and its founder's alleged association with the KKK that
18 appeared later in NJCTR's anti-Pappas radio and direct mail advertisements.

19 In sum, respondent Zimmer 2000, Inc. coordinated the anti-Pappas advertisements through
20 Weitzner, Jamestown, Blakely, and Fox Media in order to influence the outcome of the 2000
21 Republican primary in New Jersey's 12th congressional district. Thus, there is probable cause to
22 believe that Zimmer 2000, Inc. and Maria Chappa, in her official capacity as treasurer, violated
23 2 U.S.C. § 441b by knowingly receiving prohibited in-kind contributions. There is also probable

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1 cause to believe that Zimmer 2000, Inc. and Maria Chappa, in her official capacity as treasurer,
2 violated 2 U.S.C. § 434(b) by failing to report the contributions.

3 **IV. RECOMMENDATION**

4 Find probable cause to believe that Zimmer 2000, Inc. and Maria Chappa, in her official
5 capacity as treasurer, violated 2 U.S.C. §§ 434(b) and 441b.
6

7
8 6/17/05
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37 Attachments:
38 Exhibits 1 - 14.

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