



Ben Manski
Jill Stein for President
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In re: MUR#714, the complaint of Richard Zitola, received on January 30, 2013.

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington D.C., 20463

OFFICE OF THE
GENERAL COUNSEL

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FEDERAL ELECTION
COMMISSION

Greetings,

Richard Zitola in his complaint of January 9, 2013, failed to disclose a letter he received from the campaign on September 20, 2012 (EXHIBIT Y) explaining why he would not be paid for claimed expenses.

The issues raised in that letter remain current today. Zitola mailed his request for reimbursement on the week of July 16, 2012 over two months after the last expense claimed (May 3, 2012) and almost nine months after the first expense claimed (November 26, 2011).

Over this entire period, Zitola not once mentioned that he had outstanding payments for which he expected reimbursement. Zitola was aware throughout this period that he was required to file timely reimbursement requests. The campaign understood that most travel expenses were being paid by Dr. Stein herself and were being reported to our bookkeeper in Massachusetts. The campaign experienced various difficulties with Mr. Zitola and eventually removed him from all volunteer roles in the campaign.

Statement of Facts

When I began employment with Jill Stein for President on November 21st, 2011, there were a number of individuals already volunteering with Jill Stein on behalf of her campaign. One of these people was Richard Zitola, a longtime associate of Dr. Stein's in the Massachusetts Greens (EXHIBIT A).

At that time, Mr. Zitola had set up a JillStein.org email account for himself, was referring to himself as the national field coordinator, and was volunteering in a number of different capacities ranging from web management to travel scheduling to media management. Within my first weeks on the job, I removed Zitola from most of those responsibilities, limited his work to travel scheduling, and told him to stop referring to himself as "field coordinator" or "field director" (EXHIBIT C, D, E).

As the volunteer responsible for scheduling the candidate's travel, Mr. Zitola's responsibilities included keeping a travel calendar (EXHIBIT K), taking scheduling assignments from me, bringing scheduling requests to me for approval, investigating travel options, getting approval for itineraries, and then making the travel arrangements. He was to pay for travel with Dr. Stein's personal credit card, which he had access to. This was the process in the early part of the the campaign because Dr. Stein had the financial resources to afford these costs and was subject to a \$50,000, as opposed to \$2500 contribution/loan limit under public financing rules.

In those instances when Mr. Zitola himself paid for campaign expenses, he was to submit those expenses immediately to our Massachusetts-based bookkeeper, Judy Sinnett, for reimbursement. It was my understanding throughout Zitola's time volunteering with the campaign that he was submitting these reimbursements to Sinnett and that she was recording them, paying them, and reporting them. This was my understanding because it is what I directed him to do in our various phone conversations, because it was standard practice on the campaign, and because Zitola himself evidenced knowledge that this was what he was supposed to do (EXHIBITS B, P and V).

I found Mr. Zitola a difficult person to supervise. There were problems with subordination, ranging from his desire to take on greater authority than was his (EXHIBIT D), take on responsibilities that were not his (EXHIBITS F, K, and O), be included in decisionmaking that was unrelated to his responsibilities (EXHIBIT J), and overall, be given deference and treated as a partner in the campaign, as opposed to a volunteer with limited responsibilities (EXHIBITS J and Q).

There were also problems with communication, including failures on his part to keep me properly informed (EXHIBIT G), to listen and absorb instructions (EXHIBIT H), to update our calendars and event listings (EXHIBIT L, N, and T).

By April of 2012 it was clear that the campaign could no longer rely on Mr. Zitola. On the one hand, he regularly wanted to take on greater responsibilities and authority. On the other, he had proven unable to take direction, to communicate, or to perform his scheduling duties in a timely way. I informed him that we would be replacing him in the coming weeks and that his volunteer services with the campaign would no longer be

needed. He chose to take this as his own idea, later saying that he had been "asking [me] to replace [him] as scheduler" (EXHIBIT R and S).

By the end of April, the campaign had hired a third employee, Tia Nowack. It is important to note that until this time, the only employees of the campaign were myself and Erika Wolf. All other duties were performed by volunteers or by contractors (bookkeepers, media specialists, and a web developer).

I assigned Ms. Nowack to take on travel scheduling, in addition to her many other duties. By early May, she was fully in charge of this job. Nonetheless, Mr. Zitola continued to receive messages and to respond as if he still had a role with the campaign. The campaign had to make clear to others and to Zitola that he was not in a position of responsibility with the campaign (EXHIBIT V). Contrary to Zitola's statement in his complaint that he remained a volunteer with the campaign through June, in fact, he had been relieved of his scheduling role in April.

As demonstrated earlier in this response, Mr. Zitola knew that reimbursements must be submitted to the campaign in a timely way. In fact, when he submitted his request for reimbursement in July, he used a form that had been provided to him on May 3rd, in which he was again reminded that requests were to be submitted "immediately after expenses are incurred if possible but *at least* every two weeks." (EXHIBIT U).

At the end of July, the campaign received a request for reimbursement from Mr. Zitola in the amount of \$6270.69. The request was dated July 12, 2012. However, it was not mailed until the week of the 16th of July, and was not received until the end of the month due to post-Green National Convention travel. To say that I and my team (which had expanded to four employees by this time) were stunned to receive this request would be an understatement. We began to make inquiries with the FEC and to review the CFR for guidance as to how to respond. We also informed Zitola that we were reviewing his request.

After investigation, our response came in the form of a letter to Mr. Zitola, which he failed to disclose in his complaint. That letter is included herein as EXHIBIT Y. In the letter, Tia Nowack reminded him that he had never informed the campaign of these personal expenses, that he had failed to comply with campaign directives regarding the timing and submission of reimbursement requests, that he had been made aware of those directives, and that the campaign had terminated its relationship with him by the beginning of May.

In October, Mr. Zitola threatened to file an FEC complaint against the campaign. To this threat, Matt Kozlowski replied that, "If the campaign were to pretend that we had received these receipts within the 30-60 days, we would not only be telling the FEC

something that was not true, but we on top of that would potentially face fines of anywhere between \$10,000 - \$24,000, for a delay that was not our doing." SEE EXHIBIT X.

CONCLUSION

For the first period of the campaign, Mr. Zitola was a willing but often difficult volunteer who for reasons I still don't understand, made substantial payments on his own credit card as opposed to those of the candidate. He failed to seek reimbursement for those payments, or even to mention that they were outstanding, despite having clear directives from the campaign and personal knowledge that he was required to do so. He waited not days or weeks, but months to submit a request. As far as I know, no other volunteer failed in this way, and given the amount of money involved, I am still stunned that he waited so long to even bring his claim to our attention.

Richard Zitola, in making payments for what he understood to be campaign expenses, but then failing to inform the campaign that these payments were outstanding and had neither been submitted nor reimbursed, put Jill Stein for President in a difficult situation. If we paid him for his claimed expenses, we would be engaging in misrepresentation about when he incurred them, and risking significant penalties for his delay. If we failed to pay him for his claimed expenses, we risked further angering a former and politically connected volunteer who already was unhappy about the way he felt he had been treated. We chose to take what to the best of our abilities we understood and understand to have been the truthful and lawful course of action.



Ben Manski
Campaign Manager
02-14-2013

SUBSCRIBED AND SWORN TO BEFORE ME

this 14 day of February, 2013

Christ M. LeMay
Notary Public

My Commission Expires 6-7-15