

**BEFORE THE
FEDERAL ELECTION COMMISSION**

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American Democracy Legal Fund
455 Massachusetts Avenue NW
Washington, DC 20001

OFFICE OF THE CLERK
FEDERAL ELECTION COMMISSION

Complainant,

v.

MUR # 6961

Donald J. Trump
725 Fifth Avenue
New York, NY 10022

Donald J. Trump for President, Inc. and Timothy Jost, Treasurer
725 Fifth Avenue
New York, NY 10022

Gotham Government Relations & Communications LLC
2 Wall Street
Suite 302
New York, NY 10005

Extra Mile Inc.
1130 Bedford Avenue
#52
Brooklyn, NY 11216

Respondents.

COMPLAINT

Complainant files this complaint under 52 U.S.C. § 30109(a)(1) against Donald J. Trump; Donald J. Trump for President, Inc. and its treasurer, Timothy Jost, in his official capacity; Gotham Government Relations & Communications LLC; and Extra Mile Inc. (collectively, "Respondents") for violating the Federal Election Campaign Act of 1971, as amended ("the Act") and Federal Election Commission regulations, as described below.

UNRECORDED

A. FACTS

Donald Trump announced his candidacy for President of the United States on June 16, 2015.¹ He held an announcement event at Trump Towers in New York City.² According to public news reports, Mr. Trump hired actors to fill out the audience at the announcement event.³ To help with these efforts, Mr. Trump and his campaign committee hired Gotham Government Relations & Communications LLC (“Gotham”), a public relations firm.⁴ Gotham is a domestic limited liability company registered with the New York Department of State since January 16, 2008. Gotham asked Extra Mile Inc., a corporate casting agency, to recruit actors to attend the event.⁵ Extra Mile is a domestic business corporation registered with the New York Department of State since November 19, 2002. Extra Mile sent an email to its client list of background actors offering \$50 to attend Mr. Trump’s June 16 event and “wear t-shirts and carry signs and help cheer [Mr. Trump] in support of his announcement.”⁶ Mr. Trump’s campaign spokesperson has denied paying actors to attend the event; however, at least two professional actors were photographed attending Mr. Trump’s campaign launch event.⁷ Specifically, Domenico Del Giacco, an actor, posted a photo to his Instagram account of himself with Courtney Klotz, a

¹ Ben Terris, *Donald Trump begins 2016 bid, citing outsider status*, Wash. Post, June 16, 2015, https://www.washingtonpost.com/politics/donald-trump-is-now-a-candidate-for-president-of-the-united-states/2015/06/16/5e6d738e-1441-11e5-9ddc-e3353542100c_story.html.

² *Id.*

³ Aaron Couch & Emmet McDermott, *Donald Trump Campaign Offered Actors \$50 to Cheer for Him at Presidential Announcement*, The Hollywood Reporter, June 17, 2015, <http://www.hollywoodreporter.com/news/donald-trump-campaign-offered-actors-803161>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Kieran Corcoran, *Donald Trump accused of hiring ACTORS for \$50 each to pose as supporters at Trump Towers presidential campaign launch*, *Daily Mail*, June 17, 2015, <http://www.dailymail.co.uk/news/article-3128230/Did-Donald-Trump-hire-PAID-ACTORS-presidential-campaign-launch-Claims-professionals-extras-brought-pose-supporters.html#ixzz3gB8ChDUT>.

2. Extra Mile made an impermissible in-kind corporate contribution to Donald Trump.

Corporations such as Extra Mile are prohibited from making contributions in connection with any federal election.¹⁰ Likewise, a candidate for federal office is prohibited from accepting a prohibited corporate contribution.¹¹ A contribution is defined to include “any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value” to a political committee in connection with any federal election.¹² Anything of value includes in-kind contributions, such as goods or services provided without charge or at a charge that is less than the usual and normal charge for such goods or services.¹³ In-kind contributions are treated as if the committee expended funds to purchase the goods or services.¹⁴

Because Mr. Trump’s authorized committee did not report paying Extra Mile for its services in recruiting actors to attend the June 16, 2015 event, Mr. Trump accepted and Extra Mile made an impermissible corporate contribution. Additionally, if Extra Mile compensated actors for attending the June 16 campaign launch and was not reimbursed for those payments, then its payments were also impermissible in-kind contributions to Mr. Trump’s campaign.¹⁵ Because making and accepting corporate contributions are violations of 52 U.S.C. § 30118(a), Mr. Trump, his campaign committee, and Extra Mile violated the Act.

3. Gotham may have made an impermissible in-kind corporate contribution to Donald Trump or exceeded its permissible contribution limits to Mr. Trump.

Like a corporation, a limited liability company is prohibited from making campaign contributions if it elects to be treated as a corporation by the Internal Revenue Service (IRS).¹⁶ If

¹⁰ 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2.

¹¹ 52 U.S.C. § 30118(a).

¹² 52 U.S.C. §§ 30118(b)(2), 30101(8)(a); 11 C.F.R. § 114.1(a)(1).

¹³ 11 C.F.R. § 100.52(d)(1).

¹⁴ FEC Adv. Op. 1992-33 (RNC/DNC).

¹⁵ See *id.* § 114.1.

¹⁶ See 11 C.F.R. § 110.1(g).

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a limited liability company elects to be treated as a partnership by the IRS, it may contribute up to \$2,700 per election to a federal candidate.¹⁷ Under 52 U.S.C. § 30104(b)(3), an authorized campaign committee must itemize *all* of its contributions in excess of \$200 (including in-kind contributions) in its quarterly reports.

Mr. Trump's authorized committee did not report an in-kind contribution from Gotham on its second quarter report. Mr. Trump's authorized committee also did not report paying Gotham for its services in hiring and supervising Extra Mile or reimbursing Gotham for compensating actors. Thus, the FEC should investigate whether Gotham made an impermissible in-kind corporate contribution to Mr. Trump's campaign. As discussed above, making and accepting corporate contributions are violations of 52 U.S.C. § 30118(a), and therefore Gotham, Mr. Trump, and his campaign committee, may have violated the Act. If Gotham has elected to be treated as a partnership by the IRS and is permitted to make contributions of up to \$2,700 per election to Mr. Trump's campaign, the FEC should investigate whether Gotham's in-kind contributions exceeded the \$2,700 limit and therefore violated 52 U.S.C. § 30116(a)(1). Finally, the FEC should investigate whether Gotham made a permissible in-kind contribution that Mr. Trump failed to properly report as required by 52 U.S.C. § 30104(b)(3).

C. REQUESTED ACTION

As shown, Mr. Trump, Donald J. Trump for President, Inc., and Timothy Jost have violated the Act and Commission regulations by expending funds without reporting these expenditures as such. Respondent Extra Mile has violated the Act and Commission regulations by making an illegal in-kind corporate contribution to Mr. Trump's campaign by providing recruiting services and/or payments to actors without being reimbursed by Mr. Trump's campaign committee. Respondent Gotham may have violated the Act and Commission

¹⁷ See *id.*; 52 U.S.C. § 30116(a)(1); 11 C.F.R. §§ 110.1(e), 110.1(b)-(c).

