

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

Tiffany Muller  
End Citizens United  
PO Box 66005  
Washington, DC 20035

Complainant,

v.

Karoline for Congress and Robert Phillips III, treasurer  
PO Box 752555  
Las Vegas, NV 89136

Respondents.

**COMPLAINT**

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Karoline for Congress and Robert Phillips III, treasurer for violating the Federal Election Campaign Act of 1971, as amended (the “Act”), and Federal Election Commission (the “FEC” or “Commission”) regulations. During the 2021-2022 election cycle, each campaign can accept \$2,900 from individuals and \$5,000 from political committees per election.<sup>1</sup> Over the last year, Karoline Leavitt’s campaign has repeatedly disclosed receiving contributions that far exceed these limits. Multiple individuals have contributed over \$10,000 each to her campaign, and one individual has even given over \$17,000. In total, Leavitt’s campaign reported nearly \$150,000 in contributions that appear excessive on their face, yet the campaign has not refunded any of these contributions. The Commission should act immediately to investigate Respondents’ fundraising activities,

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<sup>1</sup> 52 U.S.C. § 30116(a)(1); 11 C.F.R. § 110.1(b); Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 86 Fed. Reg. 7,867, 7869 (Feb. 2, 2021).

determine whether Respondents are violating the law by accepting excessive contributions, and seek the appropriate financial penalties.<sup>2</sup>

### FACTS

Karoline Leavitt advanced from the 2022 primary election held on September 13, 2022, becoming the Republican Party’s nominee for Congress in New Hampshire’s 1st Congressional District.<sup>3</sup> Her principal campaign committee is Karoline for Congress and Robert Phillips III in his official capacity as treasurer.<sup>4</sup>

Between July 19, 2021 and August 24, 2022, disclosure reports show that the Committee received nearly \$25,000 in contributions from individuals that exceed the \$5,800 combined limits for the 2022 primary and general elections. As of October 27, 2022, the Committee has not taken corrective action to remedy any of these excessive contributions. These contributions are identified in the chart below.

<b>Contributor</b>	<b>Contributions</b>	<b>Time Period</b>	<b>Amount Excessive</b>
Williams Lyons	\$11,635	9/29/21 - 8/16/22	\$5,835
Anthony Annino	\$8,700	12/22/21 - 4/30/22	\$2,900
Lawrence Cunningham	\$8,500	7/19/21 - 11/16/21	\$2,700
Bruce Rosenthal	\$5,900	3/31/22 - 6/30/22	\$100
Harold Morse	\$10,000	12/31/21 - 1/1/22	\$4,200
Michael George	\$8,300	9/15/21 - 1/1/22	\$2,500
Joseph “M.”/Joseph Pizza	\$10,700	2/18/22 - 3/31/22	\$4,900
Deidre George	\$6,700	9/15/21 - 3/6/ 22	\$900
Matthew Gomez	\$6,412	10/23/21 - 3/6/22	\$612
Chester Homer	\$6,000	10/23/21 - 12/26/21	\$200
		<b>Total</b>	<b>\$24,847</b>

<sup>2</sup> If the Commission “upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of the Act . . . the Commission *shall* make an investigation of such alleged violation.” 52 U.S.C. § 30109(a)(2); *see also* 11 C.F.R. § 111.4(a).

<sup>3</sup> New Hampshire Department of State, 2022 State Primary Election Results, <https://www.sos.nh.gov/elections/elections/election-results/2022-state-primary-election-results> (last visited Nov. 1, 2022).

<sup>4</sup> *See* Karoline Leavitt, Statement of Candidacy, <https://docquery.fec.gov/cgi-bin/forms/H2NH01270/1632619/> (Sept. 28, 2022); Karoline for Congress, Statement of Organization (Sept. 28, 2022), <https://docquery.fec.gov/cgi-bin/forms/C00784884/1632618/>.

In addition, the Committee, following the primary election, continued receiving contributions that exceed the contribution limits. Specifically, instead of accepting contributions solely for the general election for \$2,900, the Committee has so far disclosed receiving well-over that amount from many different donors, collectively totaling over \$129,000 in apparently excessive contributions, as detailed below.<sup>5</sup>

<b>Contributor</b>	<b>Contributions</b>	<b>Time Period</b>	<b>Amount Excessive</b>
Craig Benson	\$8,700	9/29/22 - 10/3/22	\$5,800
Lewis Topper	\$8,700	9/21/22 - 10/3/22	\$5,800
Margaret Topper	\$8,700	9/21/22 -10/3/22	\$5,800
Stuart Peeke	Total: \$5,000	9/30/22 -10/13/22	\$2,100
Robert Lauter	Total: \$7,250		\$1,450
Sheila Kageleiry	Total: \$6,422 Post-Primary \$1,244	10/13/22	\$622
Charles Kageleiry	\$4,556	10/13/22	\$1,656
Robert Reynolds	\$5,975	10/18/22	\$3,075
Michael Adams	Total: \$8,666 Post-Primary: \$5,800	9/30/22 - 10/4/22	\$5,800
James Dao-Daizel	\$5,800	10/4/22	\$2,900
Edmond English	\$5,800	9/30/21 - 10/1/22	\$2,900
Neil Markwith	\$5,800	10/18/22	\$2,900
Andrea Perry	\$5,000	9/30/22 - 10/4/ 22	\$2,100
CLF	\$10,000	9/30/22	\$5,000
Joseph Baroni	\$5,000	9/28/22	\$2,100
Daniel McGuire	\$5,000	9/21/22	\$2,100
Kevin Casey	\$5,800	9/30/22	\$2,900
Robert Clegg Jr.	\$5,800	9/22/222	\$2,900
Charles Saulsbury	\$5,800	9/30/22	\$2,900
Sharon Stanfill	\$3,900	9/21/22 - 9/20/22	\$1,000
Robert Kargman	\$11,600	10/23/22 - 10/28/22	\$8,700
Kenneth Solinsky	\$11,600	10/24/22 - 10/28/22	\$8,700

<sup>5</sup> See 2022 October Quarterly Report, <https://docquery.fec.gov/pdf/851/202210159537458851/202210159537458851.pdf>; 2022 Pre-General 2022, <https://docquery.fec.gov/pdf/057/202210279542097057/202210279542097057.pdf>; 48-Hour Notices of Contributions or Loans Received 2022, (Oct. 24, 2022-Oct. 31, 2022), <https://www.fec.gov/data/committee/C00784884/?cycle=2022&tab=filings>.

Lewis Stahl	Total: \$17,400 Post-Primary: \$11,600	10/23/22 - 10/28/22	\$11,600
Leonardo Valentin	Total: \$11,600 Post-Primary: \$5,800	10/23/22 - 10/25/22	\$5,800
Israel Berrios	\$5,000	10/24/22 - 10/28/22	\$2,100
Richard Brooks	\$5,800	10/25/22 - 10/27/22	\$2,900
Daniel Richards	\$11,600	10/23/22 - 10/28/22	\$8,700
Warren Colby	\$3,500	10/24/22 - 10/28/22	\$100
James Cooper Jr	\$5,000	10/25/22 - 10/27/22	\$2,100
Marc Goldman	Total: \$4,100 Post-Primary \$3,600	10/23/22 - 10/28/22	\$700
Shawn Hanlon	Total: \$8,700 Post-Primary \$2,900	10/28/22	\$2,900
Barry Kraselsky	\$3,000	10/25/22 - 10/27/22	\$100
Michael Massey	Total: \$6,800 Post-Primary \$5,800	10/23/22 - 10/28/22	\$2,900
John Salizzoni	Total: \$6,000 Post-Primary \$4,000	10/23/22 - 10/8/22	\$1,100
Paul Steinwachs	\$5,800	9/30/22 - 10/28/22	\$2,900
Leonardo Valentin	\$5,800	11/13/21 - 8/24/22	\$5,800
John Tinios	\$3,000	10/28/22	\$100
		<b>TOTAL</b>	<b>\$129,003</b>

The Committee's 2022 October Quarterly Report, which covered the period of August 25, 2022 to September 30, 2022, disclosed debts and obligations of \$111,006.92 for expenses such as: polling, wages, printed materials, travel fees, digital advertising, and research, among other things.<sup>6</sup> The report does not indicate whether these debts and obligations were incurred with respect to the September 13, 2022 primary election.

#### LEGAL DISCUSSION

Under the Act, a candidate may only accept \$2,900 per election from individual contributors and \$5,000 from political committees.<sup>7</sup> These contributions may be designated for

<sup>6</sup> See 2022 October Quarterly Report at 438-441, <https://docquery.fec.gov/pdf/851/202210159537458851/202210159537458851.pdf>.

<sup>7</sup> 52 U.S.C. § 30116(a)(1); 11 C.F.R. § 110.1(b); Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 86 Fed. Reg. 7,867, 7869 (Feb. 2, 2021).

“a particular election.”<sup>8</sup> Commission regulations provide that the designated contribution must not exceed the Act’s contribution limits with respect to the election for which the contribution is designated.<sup>9</sup> In addition, Commission regulations specify that a contribution designated in writing for a particular election, but made after that election, “shall be made only to the extent that the contribution does not exceed net debts outstanding from such election.”<sup>10</sup>

If a campaign committee has debts outstanding after an election is over, the campaign may raise contributions to retire the debt, provided that: “[t]he contribution was designated for that election (e.g., ‘2020 primary debt’); the contribution does not cause the contributor to exceed the contributor’s limit for the designated election; and the campaign has debts outstanding for the designated election on the day that it receives the contributions.”<sup>11</sup> When a contribution exceeds net debts outstanding or the contributor’s contribution limit for a particular election, the campaign must refund the contribution, seek redesignation of the contribution, or reattribution to another contributor.<sup>12</sup> The campaign must take one of these action within 60 days of receipt.<sup>13</sup>

As the above charts show, the Committee has reported receiving numerous contributions that exceed the contribution limits for this election cycle. The charts collectively identify approximately \$150,000 in contributions that the Committee accepted over the course of several months that on their face exceed the permissible limits. Of this total, the Committee received \$24,847 in excessive contributions more than 60 days ago, yet the Committee has not refunded,

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<sup>8</sup> 11 C.F.R. § 110.1(b)(2), (3), (4).

<sup>9</sup> See Advisory Opinion 2022-18 at 3 (Bridget Fleming for Congress).

<sup>10</sup> *Id.* § 110.1(b)(3)(i). In general, net debts outstanding is defined as the total amount of unpaid debts and obligations incurred with respect to an election minus total cash on hand available to pay those debts and obligations. *Id.* § 110.1(b)(3)(ii).

<sup>11</sup> See Contributions to Retire Debts, <https://www.fec.gov/updates/tip2020-contributions-retire-debts/> (last visited Oct. 26, 2022).

<sup>12</sup> 11 C.F.R. § 110.1(b)(3)(i).

<sup>13</sup> *Id.*

redesignated, or reattributed these contributions. As a result, the Committee has clearly violated the law by receiving and failing to remedy at least \$24,847 in excessive contributions. In addition, while the Committee disclosed over \$100,000 in debts on its 2022 October Quarterly Report, it is not clear whether the Committee incurred these debts in connection with the 2022 primary election. If these debts were not incurred with respect to the 2022 primary election, then the Committee's post-primary contributions that exceed \$2,900 may not be eligible for redesignation to the 2022 primary election to cover debt. Moreover, the Committee has not designated any of these potentially excessive post-primary contributions as primary debt retirement.

The available information reveals that the Committee may be deliberately raising funds in excess of the contribution limits. Indeed, the Committee has already received three separate Requests for Additional Information ("RFAI") regarding the Committee's receipt of excessive contributions.<sup>14</sup> To date, it does not appear that the Committee has provided an explanation for its conduct. In light of the Committee's ongoing pattern of accepting contributions that clearly exceed the permissible limits, and the questionable timing of the reported debts, we strongly encourage the Commission to devote the full use of its resources to investigate these potentially egregious violations.

#### **REQUESTED ACTION**

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<sup>14</sup> Request for Additional information, 2021 Year-End Report, Apr. 20, 2022, <https://docquery.fec.gov/pdf/015/202203170300138015/202203170300138015.pdf>; Request for Additional Information, 2022 April Quarterly Report, June 22, 2022, <https://docquery.fec.gov/pdf/523/202206240300145523/202206240300145523.pdf>; Request for Additional Information, Amended 2022 July Quarterly Report, Oct. 2, 2022, <https://docquery.fec.gov/pdf/555/202210020300154555/202210020300154555.pdf>.

As demonstrated above, the available information provides reason to believe that Respondents may have violated the Act and the Commission regulations by accepting contributions that exceed the contribution limits. We respectfully request that the Commission immediately investigate Respondents' conduct, fine Respondents the maximum amount permitted by law, and enjoin Respondents from further violations of the law.

Sincerely,



Tiffany Muller  
President  
End Citizens United  
PO Box 66005  
Washington, DC 20035

SUBSCRIBED AND SWORN to before me this 3rd day of November 2022.



Notary Public

My Commission Expires:

MARK ANDREWS  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires July 14, 2024

