

January 5, 2005

Office of General Counsel
Federal Election Commission
999 E Street NW
Washington DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2005 JAN 11 A 9:55

MUR # 5639

Dear Counselor,

Please accept the following as a formal complaint sworn by me on this date, based on the following information and facts.

In the General Election of 2004 in the State of West Virginia, campaign yard signs appeared in support of President Bush and West Virginia Republican gubernatorial candidate Monty Warner stating "Bush/Warner." The signs contained a disclaimer saying "Paid for by the Northeast Conservative PAC." The Bush campaign immediately sent a cease and desist letter to the Warner campaign demanding the Warner campaign stop distributing the signs.

Many newspaper articles and television reports appeared at the time, questioning the true origin of the signs. Several of those reports are attached.

According to FEC records available on the internet, the Northeast Conservative PAC has failed to file required FEC reports for several months. In fact, the FEC recently notified the Northeast Conservative PAC that it was no longer being recognized.

However, the evidence suggests that either, a, the Northeast Conservative PAC did indeed receive contributions and then made expenditures for signs reading "Bush/Warner - Paid for by the Northeast Conservative PAC," and failed to file the necessary reports of such receipts or disbursements, or, b, an individual or group improperly used the name of the PAC without the consent or permission of the PAC.

According to news reports, West Virginia Republican Party Chairman Kris Warner, the brother of gubernatorial candidate Monty Warner, claims he made a contribution to the Northeast Conservative PAC. Again, no such contribution was reported by the PAC.

In a television news report by Scott Saxton of NBC affiliate WSAZ, Channel 3, it was demonstrated that the Northeast Conservative PAC shared an address in Washington DC identical to the former address of Mr. Sam Pimm, who served as Deputy Campaign Manager for Monty Warner.

Since the campaign concluded, Warner for Governor Campaign Manager Dick Leggitt has claimed that the "Bush/Warner" signs were "a Kris Warner production," and that Kris Warner created the signs, paid for them, and distributed them.

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As Chairman of the West Virginia Young Republicans, I am very concerned that the Chairman of the Republican Party of my state and his brother, the gubernatorial candidate, may have engaged in activities that skirted or broke laws in regard to the creation of signs that claimed to have been paid for by a federal PAC but, in reality, were created, paid for and distributed in ways that are not legal.

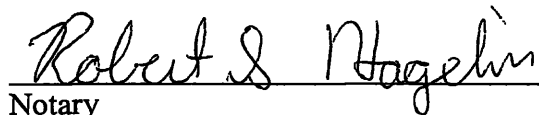
Attached are several supporting documents. Thank you for your time and attention to this matter, and please contact me with any questions.

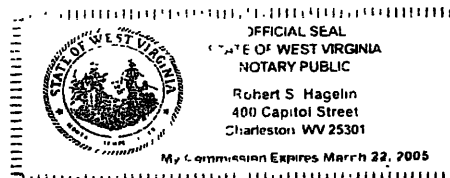
Sincerely,



Charles Bolen
Chairman
West Virginia Federation of Young Republicans
834 Walters Road
Charleston WV 25314

Signed and sworn to before me on this 5th day of January, 2005.


Notary



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Publication: THE CHARLESTON GAZETTE
Published: 10/22/2004
Page. 3A
Headline: CAMPAIGN BRIEFS
Byline: NOT AVAILABLE

Signs from **Warner**, Manchin camp says

Joe Manchin's campaign manager Thursday disputed comments made earlier this week by challenger Monty **Warner** disavowing any responsibility for **Bush-Warner** campaign signs.

The **Bush**-Cheney campaign this week sent **Warner** a cease and desist order, citing federal election law that prohibits the names of federal candidates on materials paid for by state or local candidates.

Warner campaign manager Dick Leggitt said Tuesday the signs were not produced by the campaign, but by the Northeast Conservative Political Action Committee.

Manchin campaign manager Larry Pucchio said the PAC is listed at the same Washington, D C , address as the apartment of Sam Pimm, the finance director for the **Warner** campaign

Pucchio also said that disclosures filed with the Federal Elections Commission showed the Northeast Conservative PAC has never had more than \$150 in funds, and lists no expenditures since its inception in 2001

Leggitt could not be reached for comment Thursday

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KRIS WARNER GOT YARD SIGN E-MAIL STATE GOP CHAIRMAN DENIES INVOLVEMENT WITH BUSH-WARNER PLACARDS

Publication: THE CHARLESTON GAZETTE

Published: 12/21/2004

Page: 1A

Headline: KRIS **WARNER** GOT YARD SIGN E-MAIL STATE GOP CHAIRMAN DENIES
INVOLVEMENT WITH **BUSH-WARNER** PLACARDS

Byline: SCOTT FINN

sfinn@wvgazette.com

Several days before the appearance of controversial campaign signs linking Republican gubernatorial candidate Monty **Warner** and President **Bush**, state GOP Chairman Kris **Warner** received an e-mail from one of his contract employees that included the design for the sign

The controversial signs drew complaints from the **Bush-Cheney** campaign, and Kris **Warner** and his brother Monty said the signs were designed and paid for by a political action committee.

Again Monday, Kris **Warner** said he was not involved in making or distributing the signs. He accused Dick Leggitt, Monty Warner's former campaign director, of lying because the campaign owes him money.

"I have no idea what Dick Leggitt is up to, except he is trying to extort money from my brother Monty," Kris **Warner** said.

Leggitt and Gary Abernathy, the former state GOP executive director fired by Kris **Warner** last month, say Kris **Warner** came up with the idea for the signs. Leggitt said Kris **Warner** paid for the signs and then asked for reimbursement through his brother's campaign.

The incoming Kanawha County prosecutor also said Monday that he would look at the allegations to see if anyone violated state law.

The e-mail with the sign was sent Sept. 24 from the address of Devon Oman, a former contract employee for the state Republican Party. The Gazette obtained a copy of the e-mail Monday

The e-mail was sent to Kris **Warner** and another contract employee, Craig Bergman

Titled "**Bush/Warner** New," the e-mail includes an attachment with the design for the campaign sign that paired President **Bush** and Monty **Warner**

In the lower left-hand corner, the sign reads "Paid for by" and then is blank

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Kris **Warner** said state GOP workers were doing the design work outside their jobs for the Republicans. He also said, "As chairman of the party, I was sent all kinds of information."

In October, signs almost identical to the one in the e-mail appeared in yards and along roads throughout West Virginia. The only change was a disclaimer, "Paid for by the Northeast Conservative PAC."

The **Bush** campaign sent a letter asking the Monty **Warner** campaign to stop using the signs. At the time, Leggitt said the signs were not coming from Warner's campaign. In late October, Monty **Warner** still had one of the signs hanging in his SUV window

According to Leggitt, Kris **Warner** came into the campaign headquarters in September holding checks from himself and others to pay for the **Bush-Warner** signs. "I said, 'What signs?'" Leggitt said.

Within 24 hours, Leggitt said, Kris **Warner** came back and asked for reimbursement from his brother's campaign for the **Bush-Warner** signs.

"He said make it an odd number" to avoid scrutiny, Leggitt said.

Kris **Warner** received a \$3,002.28 reimbursement check from his brother's campaign on Sept 28. He says it was not for the signs, but for postage and gas receipts he spent on his brother's campaign.

He said Monday he did not have documentation of these expenditures on hand, but he would look for them.

Kris **Warner** said the signs were paid for by the Northeast Conservative Political Action Committee. He gave "a couple thousand dollars" to the group, he said

He said he never had given money to the group before. He said he did not remember who solicited the donation, whether it was a man or a woman, or whether the solicitation came over the phone or through e-mail or a letter.

"It all blurs in the final three months of the campaign," he said.

Right now, there is no way of knowing for sure whether the Northeast Conservative PAC paid for the signs, or whether Kris **Warner** gave them any money. The PAC has not filed a finance report to the Federal Election Commission for more than a year. On Dec 9, the FEC sent a letter to the group saying it was effectively defunct.

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An FEC enforcement agent said that if the group was indeed paying for campaign signs, it should have made a report. Now, the only way the FEC would investigate is if someone made a signed, sworn and notarized complaint to the FEC.

The allegations are the latest of a string of woes for Kris **Warner**. A group of nine state Republican leaders called the Split Rail Committee is asking other state GOP committee members if they still have confidence in Kris **Warner**. A meeting is scheduled Jan. 8 in Flatwoods to deal with the controversy.

Incoming Kanawha County Prosecuting Attorney Bill Charnock, a Republican, said Monday, "We'll certainly look at" the alleged campaign-law violations by Kris **Warner**.

Under state law, anyone who makes a false statement on campaign literature could face up to a year in jail and fines up to \$10,000.

"If it looks like there's probable cause of a violation of state law, I would pursue it," Charnock said

Also Monday, Kris **Warner** said Leggitt "looted" his brother's campaign. He said Leggitt continued to allow checks to be made after Monty **Warner** told him not to

Warner's campaign owes the former candidate more than \$400,000, and dozens of vendors and former staffers are owed money, including Leggitt.

Leggitt said he did not have control over the checkbook, and he had tried to warn Monty **Warner** in September about the ballooning debts. He said he cashed one check for about \$1,600 after the election, after Monty **Warner** had asked for a freeze in spending

Leggitt said he was unhappy about the tens of thousands he says Monty **Warner** owes him.

Still, he said Kris Warner's version of events "strains the limits of credibility."

"Tell him to produce an expense report for that \$3,002 check I'll give you a deposition to back up my story," Leggitt said.

To contact staff writer Scott Finn, use e-mail or call 357-4323.

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Dec. 20, 2004 Beckley Register-Herald

GOP group 'concerned' about Warner controversies

By Mannix Porterfield/REGISTER-HERALD REPORTER

Raleigh County Republican Chairman Joe Long doubts the full committee can abbreviate Kris Warner's contract, but he and others want the GOP to dig deeply into controversies swirling around the embattled chairman.

In advance of the Jan. 8 gathering, a splinter group within the party wants a full accounting of the \$88,000 debt, the controversy over the "Bush/Warner" signs, and the complaints by onetime campaign workers of gubernatorial nominee Monty Warner to be paid for their work.

"We're concerned," Long said Monday, a member of the newly formed Split Rail Committee, a name picked in tribute to one of the party's chief architects, President Abraham Lincoln.

"It's time we settled these things. We need to take care of our house."

Warner insisted in an interview during interims this month that he fully expects to serve out his contract and stay on as chairman. He pledged a full accounting of campaign money and expenditures.

"I don't know if he's on his way out or not," Long said. "We definitely have a situation that needs to be addressed."

"I don't think it's possible we can actually remove him as far as the committee is concerned. I don't think there's anything in the by-laws that actually says that. Kris would have to do that on his own. But the committee could give him a vote of no confidence."

But, based on the number of clouds hanging over Warner, the Raleigh County chairman added, "If I were to vote right now, I would for Kris to step down."

Long pointed to a Federal Election Commission report reflecting a party debt exceeding \$88,000.

Only a week ago, former aides of Monty Warner expressed outrage at not getting paid thousands of dollars in salaries in an interview with The Register-Herald. One of them suggested Warner underreported his debts to the secretary of state's office by at least \$200,000.

Then came campaign manager Dick Leggitt's charge that the disputed "Bush/Warner" signs that surfaced late in the campaign were "a Kris Warner production," although the Warners had staunchly denied any involvement in creating or funding them.

On those signs was a disclaimer saying they were paid for by the Northeast Conservative Political Action Committee, which is registered with the FEC.

Leggitt maintained the GOP chairman had the signs designed by staffers working out of a temporary Capitol Street office known as "Mountaineer" headquarters, and that an Alabama firm printed them.

The chairman paid for the signs himself, then asked "Warner for Governor" to reimburse him, which it did partially to the tune of \$3,000, Leggitt contended.

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Joining Long in the Split Rail Committee request to the full GOP committee were National Committeeman Jim Reed; Committeewoman Donna Gosney; Dr. Doug McKinney, an also-ran in the GOP gubernatorial primary and his wife, Sue; Rick Romeo, head of a GOP club in Greenbrier County; Wood County Chairman Rocky Peck; and others.

Long suggested the Warner controversy has come at an especially bad time, given the party's successes over the past four years.

Last month, for example, the party won a hotly contested seat on the state Supreme Court by electing Brent Benjamin, while Betty Ireland captured the secretary of state's office and three new state senators were elected.

"People are being elected to offices that have not been elected in 80 years," Long said.

"We now have a two-party system emerging. We need to put this behind us."

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