

K&L GATES

K&L GATES LLP
1601 K STREET, N.W.
WASHINGTON, DC 20006
T +1 202 778 9000 F +1 202 778 9100 klgates.com

RECEIVED
FEDERAL ELECTION
COMMISSION

2014 SEP 11 AM 10:47

September 10, 2014

Steve Roberts
steve.roberts@klgates.com OFFICE OF GENERAL
T 202-778-9357 COUNSEL

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

MUR # 6868

RE:

Vincent Harris
611 S. Congress Avenue
Suite 400
Austin, Texas 78704

Harris Media LLC
611 S. Congress Avenue
Suite 400
Austin, Texas 78704

Through this complaint, Stephen Roberts ("Complainant"), outside counsel to the Committee to Elect Vance McAllister ("Committee"), alleges that Vincent Harris and Harris Media LLC ("Harris Media") are engaged in ongoing knowing and willful violations of the fraudulent misrepresentation provisions of the Federal Election Campaign Act ("FECA" or the "Act"), as described below. In summary, Complainant believes, based on information and belief, that Mr. Harris and Harris Media are making communications with the imprimatur of a federal candidate, representing to speak on behalf of a federal candidate and his campaign, in knowledge that they are no longer authorized to speak on behalf of that candidate.

FACTS

In Fall 2013, the Committee entered into an agreement with Harris Media to conduct general web consulting for the Committee during a special congressional election in Louisiana's fifth district. As part of that agreement, Harris Media produced a website for the Committee, available to the general public at www.mcallisterforcongress.com, and created various social media accounts, including the Twitter "handle" @VanceMcAllister (twitter.com/VanceMcAllister) and Vance McAllister YouTube channel (www.youtube.com/channel/UCUhYVsns6M_rlfyQcA4vKxQ).¹

¹ Printouts of both the Twitter page and YouTube channel page are attached to this complaint.

Harris Media designed and released each of these sites with the 2013 campaign branding and messaging. For instance, the @VanceMcAllister Twitter page prominently displays the same photograph of the candidate as displayed on his campaign website, a short campaign biography, the location of the Congressman's hometown in Monroe, Louisiana, and a link to his former campaign website at mcallisterforcongress.com. Similarly, the YouTube channel page displays the candidate's name along with a repository of his campaign's 2013 television advertisements. To the general public, the Twitter and YouTube pages unmistakably represent an authorized communication between a congressional candidate and his voters.

Some time after the conclusion of the 2013 campaign, Harris Media and the Committee became involved in a dispute over the final fees the campaign owed to Harris Media for its services. As a result of that dispute, Harris Media is now using its sole control over the campaign's social media accounts as an attempt to gain leverage over the Committee in that fee dispute.

On several occasions by email and telephone, the Committee informed Harris Media, through its proprietor Vincent Harris, that the existing communications on the Committee's former website, Twitter account and YouTube channel are no longer authorized by the Committee, nor is the information displayed the current message the campaign wishes to communicate. Specifically, the Committee, through me as outside counsel, informed Mr. Harris of his unauthorized communications and requested that he cease fraudulently misrepresenting his communications as the candidate's by email on August 27, September 5, and September 8, 2014, and by phone on September 3, 2014. During these conversations, Vincent Harris maintained that Harris Media would continue to sponsor these unauthorized communications until it received the amount he believed was owed. Further, during our phone conversation on September 3, Mr. Harris informed me that he would not turn over these social media credentials, in part, to ensure that a third party vendor had leverage over the Committee to obtain payment in a separate, ongoing debt dispute.

In full recognition that Harris Media had no ongoing agreement with the Committee to speak for the candidate, and that the communications with the public at mcallisterforcongress.com did not reflect authorized communications by the campaign, Harris Media removed the campaign's former website on or around Monday, September 8, 2014. Despite this partial accommodation to the Committee's insistence to cease the display of these communications, Harris Media continues to maintain the @VanceMcAllister Twitter feed and Vance McAllister YouTube channel that are continuously available to the general public, and otherwise present the appearance of endorsement and authorization by a federal candidate.

ANALYSIS

The Act, as well as regulations promulgated by the Federal Election Commission, prohibits the fraudulent misrepresentation of campaign authority. 52 U.S.C. § 30124; 11 C.F.R. § 110.16. In relevant part, those provisions prohibit an agent of a candidate for federal office to fraudulently misrepresent that he or she speaks, writes, or otherwise acts for or on behalf of any other candidate for public office in a matter which is damaging to the other candidate, or to willfully and knowingly participate in a plan, scheme, or design to fraudulently misrepresent.

Vincent Harris and Harris Media are in continuous direct violation of this prohibition. Harris Media, and its proprietor Vincent Harris, fit the description of an agent of a candidate for federal office found in FECA. A review of recent FEC filings by federal principal campaign committees shows that several of those committees have paid Harris Media for web consulting. Examples of Harris Media's and Mr. Harris's campaign agency include McConnell Senate Committee 14 (principal campaign committee of Senator Mitch McConnell) and Walorski for Congress Inc. (principal campaign committee of Congresswoman Jackie Walorski), to name only a few examples. Harris Media's own website displays websites for those Committees in its "Featured Work" section (www.harrismediallc.com).

The Twitter feed @VanceMcAllister and Vance McAllister YouTube channel contain unauthorized communications with the general public that purport to originate from, and be authorized by, Congressman Vance McAllister, a candidate for re-election in Louisiana's fifth congressional district.

The Committee's direct communications with Vincent Harris, combined with Harris Media's refusal to take action on the social media feeds and its deletion of the former campaign website at mcallisterforcongress.com demonstrate full knowledge that Congressman McAllister does not authorize any communications by Harris Media on his behalf for the 2014 campaign. Vincent Harris and Harris Media's repeated refusal to terminate or transfer social media accounts or otherwise cease these communications -- which appear to the general public to be the candidate's own authorized communications -- demonstrate their willfulness to continue to violate the Act.

Furthermore, a federal candidate's own inability to control the message it is presumed to be making is inherently damaging. In part, the advertising and support indicated as part of the publicly available communications available at the @VanceMcAllister Twitter page and Vance McAllister YouTube page are no longer part of the campaign, and are confusing to voters. Indeed, Congressman Vance McAllister has launched a new website (vance2014.com) and authorized Twitter feed (@Vance4Louisiana) that are updated on an ongoing basis. The contrast between these unauthorized pages and the authorized communications could be perceived to

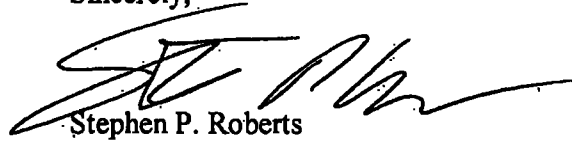
show an inactive campaign or present confusing messages to voters. Either present real and immediate damage to Vance McAllister.

Given these facts, there can be no doubt that Vincent Harris and Harris Media -- themselves agents of federal candidates through web consulting services -- are knowingly and willfully engaging in ongoing fraudulent misrepresentations of a federal candidate, in a way that is damaging to that candidate.

REQUESTED ACTION

Vincent Harris, and Harris Media, have knowingly and willfully violated FECA and Commission regulations, despite the repeated requests of the Committee to cease the communications that caused the violation. Accordingly, the Committee seeks an immediate investigation and expedited actions by the Commission, including enjoining Vincent Harris and Harris Media from further display of the communications as described on the social media sites, that are designed to remedy this violation before Mr. Harris and Harris Media inflict further damage on the political interests of Congressman Vance McAllister.

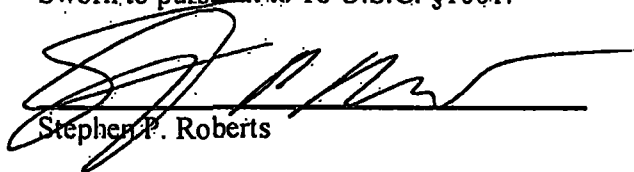
Sincerely,



Stephen P. Roberts

I, Stephen P. Roberts, hereby verify that the statements made in the above complaint are, upon information and belief, true.

Sworn to pursuant to 18 U.S.C. §1001.

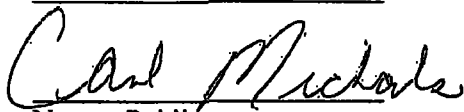

Stephen P. Roberts

District of Columbia

The foregoing instrument was signed and sworn to before me this 10th day of September, 2014

by

Carol Michaelsen


Notary Public

My commission expires: CAROL L. MICHAELSEN
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires April 14, 2015

ATTACHMENT



Vance McAllister

@VanceMcAlister

Vance McAllister is a veteran, family man, and self-made businessman. Vance wants to serve because he believes we need more regular folks in Congress.

Monroe, LA

mcallisterfo-congress.com

~~Page~~ Page No. (02) d. rina. 2,8 96 p. 7-1

 1 Follower you know.



7.8

37

387

6

More ▾



Fast Forward

Tweets Tweets & replies

Retweeted by Vanca McAllister



Nick Smith @nickcolesmith · Nov 17

A huge congratulations to my new Congressman, @VanceMcAllister! Your victory was admirable and exciting--historic even--for LA politics.

⬅ ⬆ 3 ⭐ 5 ...

Retweeted by Vence McAllister



David Kanevsky @davickanevsky · Nov 17

.@VanceMcAlister's win in #LA05 special election highlighted on @Drudge Report [twitpic.com/dlo78c](https://twitter.com/dlo78c)

4 13 1 ★ 2 ...

[View photo](#)

Retweeted by Vance McAllister



Lori @OurL vesRenewed ' Nov 16

VANCE WINS!!!! @vanceMcAllister

4 27 3 ★ 1 ...

Retweeted by Vance McAllister



Dr. Jeff Koloze @DrJeffKoloze · Nov 17

@VanceMcAllister Congratulations on being elected! I'm glad to see that you are pro-life.

4 13 1 ★ 1 ...

 Vance McAllister @VanceMcAllister · Nov 16

The Associated Press has called the race for us!

4 27 9 ★ 10 ...

Retweeted by Vance McAllister



Isaac Coffel, Director - Nov. 16

Vance McAllister (VanceMcAllister) | Twitter



Jason Carter @jasoncarter · Nov 16
@VanceMcAllister - #GoVanceGo

↩ 1 ⭐ ...

Retweeted by Vance McAllister



Chad C. Hardy @chadchardy · Nov 16

@VanceMcAllister I live in Arnaudville and am making calls for you my friend, God Bless you and your family :-)

↩ 1 ⭐ 2 ...

[View conversation](#)

Vance McAllister @VanceMcAllister · Nov 16

RT if you voted today for us!

↩ 6 ⭐ 1 ...



Vance McAllister @VanceMcAllister · Nov 16

Thank you for all your hard work and support over the last months. We are almost across the finish line. Lets... [fb.me/6ke9IYPP8](https://www.facebook.com/6ke9IYPP8).

↩ 1 ⭐ ...



Vance McAllister @VanceMcAllister · Nov 16

Have you voted yet?

Find your polling place and cast your ballot today:
[mcallisterforcongress.com/vote](https://www.mcallisterforcongress.com/vote) [fb.me/6zmU3o9Rp](https://www.facebook.com/6zmU3o9Rp)

↩ 1 ⭐ ...



Vance McAllister @VanceMcAllister · Nov 16

SHARE if you stand with Duck Commander Willie Robertson!

Make sure to #VoteVance if you haven't already!... [fb.me/2CV7JINfY](https://www.facebook.com/2CV7JINfY)

↩ 4 ⭐ 1 ...



Vance McAllister @VanceMcAllister · Nov 16

Friends SHARE if you voted for Vance!

If not, cast your vote until 8 PM tonight:... [fb.me/2EJ6dIViW](https://www.facebook.com/2EJ6dIViW)

↩ 1 ⭐ ...



Vance McAllister @VanceMcAllister · Nov 16

#VoteVance today, and SHARE if you've voted!

Polls are open from 7 AM to 8 PM!... [fb.me/1YJqIEG10](https://www.facebook.com/1YJqIEG10)

↩ 2 ⭐ ...



Vance McAllister @VanceMcAllister · Nov 16

Today is election day! Cast your vote today from 7 AM to 8 PM:

...

15044373243

Vance McAllister (VanceMcAllister) | Twitter
mcallisterforcongress.com/vote
fb.me/6zNF78VE6

🔗 3 ⭐ ...



Holly Coons Dr. William H Riddle Mark Rainwater



Holly Coons



Follow



Dr. William H Riddle



Follow



Vance McAllister @VanceMcAllister · Nov 15

Duck Commander Jep Robertson reminds you to Vote Vance tomorrow, November 16th! Polls are open from 7 AM to 8 PM.... fb.me/1b295ObqP

YouTube



🔗 1 ⭐ 1 ...

[View more photos and videos](#)



Vance McAllister @VanceMcAllister · Nov 15

Election day is tomorrow! Make sure to #VoteVance from 7 AM to 8 PM. For more information, visit... fb.me/1xqPoACxM

🔗 1 ⭐ ...



Vance McAllister @VanceMcAllister · Nov 14

Heading over to ULM for the Chamber of Commerce Forum. Be sure to tune into KARD at 6!

🔗 1 ⭐ 1 ...



Vance McAllister @VanceMcAllister · Nov 14

Heading over to ULM for the Chamber of Commerce Forum. Be sure to tune into KARD at 6!

442234440011

Upload



What to Watch

My Channel

My Subscriptions

History

Watch Later

1

Purchases

15

PLAYLISTS

Liked videos

SUBSCRIPTIONS

Popular on YouTube

Music

Sports

Gaming

Browse channels

Manage subscriptions



Vance McAllister

[Home](#)
[Videos](#)
[Playlists](#)
[Channels](#)
[Discussion](#)
[About](#)

All activities

Vance McAllister uploaded a video 9 months ago



Vote Vance McAllister

by Vance McAllister · 9 months ago · 468 views
www.mcallisterforcongress.com/vote

Vance McAllister uploaded a video 9 months ago



Jep Robertson says "Vote Vance!"

by Vance McAllister · 9 months ago · 15,069 views
Duck Commander Jep Robertson encourages you to vote Vance McAllister Saturday November, 16th!

Vance McAllister uploaded a video 9 months ago



Willie Robertson and Vance McAllister "The Vote Commander"

by Vance McAllister · 9 months ago · 8,127 views
Willie Robertson reminding his neighbors in LA-05 to get out to vote on Saturday, November 16th.

Vance McAllister uploaded a video 1 year ago



Meet Vance McAllister

by Vance McAllister · 1 year ago · 12,488 views

Vance McAllister uploaded a video 1 year ago



This is Vance McAllister

by Vance McAllister · 1 year ago · 4,822 views

Popular channels on YouTube



Michelle Phan

Subscribe



shane

Subscribe



charlieissocoolllko

Subscribe



ConnorFranta

Subscribe



TheKateClapp

Subscribe



Kingsley

Subscribe

Language: English

Country: Worldwide

Safety: Off

Help

[About](#)
[Press & Blogs](#)
[Copyright](#)
[Creators & Partners](#)
[Advertising](#)
[Developers](#)
[+YouTube](#)
[Terms](#)
[Privacy](#)
[Policy & Safety](#)
[Send feedback](#)
[Try something new!](#)

HOME SERVICES WORK PORTFOLIO NEWS ABOUT

SKILLS CONTACT

HARRIS
MEDIA

COMMUNICATING STRATEGICALLY REVOLUTIONIZING DIGITALLY

GET IN TOUCH

OUR SERVICES

We are a communications and digital marketing firm located in Austin, Texas.
We're nationally-recognized for working at the highest levels of the business, non-profit, and political worlds.



**SOCIAL
MEDIA**

Leading a direct



**WEB &
GRAPHIC
DESIGN**



**ONLINE
ADVERTISING**

Targeting your message



**VIDEO
PRODUCTION**

Creating unique videos

9/9/2014

Harris Media, LLC » Digital Strategy firm in Austin, Texas

conversation between your
brand, your supporters,
and the public at-large

Building you a conduit to
tell your story,
demonstrate your value,
and gather critical data on
your audience

across digital platforms to
reach individuals and
achieve your goals

that reinforce your
message and engage your
audience in new ways

FOR THE FUTURE

FEATURED WORK

We've had the pleasure of working with successful businesses, influential non-profits, top tier statewide, Presidential, and international political campaigns

Websites

Websites are your digital brochure, allowing users to provide information, engage with content, and share their experience across their digital networks. We create a user experience that creates advocates for your brand.

Microsites

Microsites allow you to target a campaign around a specific initiative, issue, or promotion. These sites are a crucial part of controlling the message and opinion of users online.


Dan Patrick Case Study

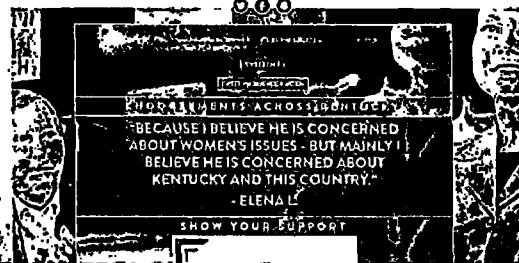
Ted Cruz Case Study

"Campaigns have fundamentally changed with social media. We used social media to quickly combat the

media led to the defeat of an incumbent, here.

In 2012, Ted Cruz took the political world by storm with a digital campaign that propelled him to become the next U.S. Senator from Texas. Harris Media helped lead the digital operations of Senator Ted Cruz's campaign. The aggressive, grassroots-centric digital campaign was unlike anything previously seen in Texas. Read our 2012 case study on Ted Cruz, here.

Women  MITCH



PORTFOLIO

Reaching your audience requires a strong visual component in your digital presence. Our portfolio showcases the wide range of our design expertise and offers a glimpse at what we can do for you.

See What We Can Do for You

We break through the digital noise, creating content that is inspiring, engaging, and entertaining. Whether it's branding, graphics, or video, we tell a story for your brand.