

**BEFORE THE
FEDERAL ELECTION COMMISSION**

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FEDERAL ELECTION
COMMISSION

2014 OCT 27 PM 3:05

Casey M. Mann, Executive Director,
North Carolina Democratic Party,

OFFICE OF GENERAL
COUNSEL

Complainant

v.

WTR 6892

Walker4NC,

Respondent

COMPLAINT

Complainant Casey M. Mann, in her capacity as the Executive Director of the North Carolina Democratic Party and as a registered voter of North Carolina, files this complaint with the Federal Election Commission ("FEC" or "Commission") under 2 U.S.C. § 437g(a)(1) against Walker4NC ("Respondent" or "Respondent Committee") for numerous violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

Respondent Walker4NC is the principal campaign committee of Bradley Mark Walker ("Candidate Walker"), Republican nominee for election for Congress in the 6th Congressional District of North Carolina. Charles K. Rakestraw is the Treasurer for the Respondent Committee, which was formed on or about March 22, 2013.

Respondent Committee has engaged in various and several violations of the Act, including: 1) failing to report the receipt of in-kind campaign contributions at fair market value; 2) failing to report the receipt of in-kind contributions; 3) receiving excessive contributions; and 4) failing to report Debts and Obligations.

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Since approximately March 2013, Respondent Committee has engaged in numerous activities that violate campaign finance rules and regulations under the Act. Upon information and belief, Complainant has become aware that Respondent has failed to timely and fully report in-kind contributions, including the use of a campaign bus and the use of vacation property in Cancun, Mexico as a raffle prize. Further, Respondent Committee has received contributions in excess of the permissible \$5,000 limit from The Freedom Project, Next Century Fund, and Majority Committee PAC.

Respondent has continued to engage in these unlawful activities without any indication that Respondent intends to remedy its conduct. Such activities establish a pattern of inappropriate and unlawful behavior by the Respondent Committee. The FEC should act immediately to fully investigate the above violations and further, to determine if Respondent has engaged in additional illegal activities.

A. Factual Background

1. Respondent Did Not Timely and Fully Report the Use of a Campaign Bus as an In-Kind Contribution

In and about September 2013, photographs and descriptions of a converted bus, being utilized by the Respondent Committee as a campaign vehicle, appeared on Jay Witt's Facebook page.¹ Jay Whitt ("Mr. Witt") stated that:

It is a converted bus into a RV. I bought it as an investment and my friend Mark Walker is going to use it throughout the primary in May. He is a Great Guy and the type person we need in Congress.²

Candidate Walker additionally described the bus on Mr. Whitt's Facebook page:

... this [bus] has only 60k miles and was purchased from Florida. Taking some bids on wrapping it and then we should be ready... it

¹ Jay Whitt Facebook (Exhibit 1).

² *Id.* at September 16, 2013, 8:22 p.m.

was privately owned by an executive. It has a kitchen, full bath, large bedroom and a sitting area with televisions.³

The vehicle appears to be of substantial value and was utilized frequently, if not daily, by Respondent Committee as a campaign vehicle. The vehicle was "wrapped" in advertising for Candidate Walker and thus was otherwise unavailable to its owner, Joseph F. Whitt, for lease or charter for the entire time period during which it was available and in use by the Respondent. The use of the bus for a period of approximately 400 days had a fair market value in excess of \$250 per day but was purportedly reported as paid by several disbursements to Katrina and/or Joseph F. "Jay" Whitt, Jr. in the total amount of \$5,954.89, a sum substantially below fair market value.

WHITT, KATRINA	BUS SERVICES	GREENSBORO NC	27410 04/01/2014	\$1,000
WHITT, KATRINA	BUS SERVICES	GREENSBORO NC	27410 09/10/2013	\$315
WHITT, KATRINA	BUS SERVICES	GREENSBORO NC	27410 09/10/2013	\$500
WHITT, KATRINA	BUS SERVICE	GREENSBORO NC	27410 11/25/2013	\$500
WHITT, KATRINA	BUS SERVICES	GREENSBORO NC	27410 10/07/2013	\$500
WHITT, KATRINA	BUS SERVICES	GREENSBORO NC	27410 11/05/2013	\$500
WHITT, KATRINA	BUS SERVICES	GREENSBORO NC	27410 12/20/2013	\$300
WHITT, KATRINA	BUS SERVICES	GREENSBORO NC	27410 02/27/2014	\$1,000

³ *Id.* at July 30, 2013, 5:11 p.m. and 9:29 p.m. (Exhibit 2).

WHITT, JAY

BUS
SERVICES

GREENSBORO NC

27410 08/04/2014 \$1,339.89

The receipt of the use of the bus constitutes an illegal and excessive in-kind contribution, which contribution has not been reported. Furthermore, Respondent Committee has failed to report any indebtedness arising from the obligation incurred to Katrina and Jay Whitt.

2. Respondent Did Not Report a Cancun Vacation Raffle as an In-Kind Contribution

On information and belief, in and about June 2013 Respondent conducted a raffle for the benefit of the Respondent Committee offering as a prize the use of a vacation property in Cancun which apparently had been donated by a supporter.⁴ Such raffle was purportedly for the purpose of raising funds for radio and mailer advertisements.⁵ However, the value of and the contributor of the Cancun vacation home are unreported by Respondent Committee. Such donation was not reported on any campaign finance reports by Respondent Committee.

The receipt of the use of Cancun vacation home from an undisclosed contributor constitutes an illegal and excessive in-kind contribution, which contribution has not been reported. Furthermore, Respondent Committee has failed to report any indebtedness arising from the obligation incurred to this undisclosed contributor.

3. Respondent Received Contributions in Excess of \$5,000 Limit from the Freedom Project, Next Century Fund, and Majority Committee PAC

On the October 7, 2014, FEC Reports, Respondent reported that three Political Action Committees, being The Freedom Project, Next Century Fund, and Majority

⁴ Cancun Vacation Raffle Advertisement (Exhibit 3).

⁵ Facebook.com at June 3, 2013, 10:56p.m. (Exhibit 4).

Committee PAC, had contributed \$5,000 twice, thereby exceeding permissible contribution limits.⁶ Further, Respondent Committee had not reported any debt on its FEC Reports and thus, Complainant is of the belief that such excessive contributions were not for the purpose of retiring debt obligations.

B. Legal Analysis

Respondent Committee has engaged in various and several violations of the Act, including: 1) failing to report the receipt of in-kind campaign contributions at fair market value; 2) failing to report the receipt of in-kind contributions; 3) receiving excessive contributions; and 4) failing to report Debts and Obligations.

This failure to report the receipt of in-kind contributions at their fair market value (the use of the bus) constitutes a violation of 11 C.F.R., Sections 100.52(d)(1) and 100.111(e)(1), 11 C.F.R., Section 104.3, and 11 C.F.R., Section 104.11.

This failure to report the receipt of the in-kind contribution of the vacation home in Cancun constitutes a violation of 11 C.F.R., Sections 100.52(d)(1) and 100.111(e)(1), 11 C.F.R., Section 104.3, and 11 C.F.R., Section 104.11.

The receipt by the Respondent Committee of contributions in excess of \$5,000, from a qualified multicandidate committee, per election constitutes an excessive contribution. The Respondent Committee at no time has reported any indebtedness and each of the contributors identified above contributed after the second primary in the amount of \$10,000, an amount in excess of the \$5,000 maximum contribution limit, the applicable limit in the absence of reported indebtedness (11 C.F.R., Section 110.2).

⁶ Q3 Report of Walker4NC 2014.

C. Requested Action

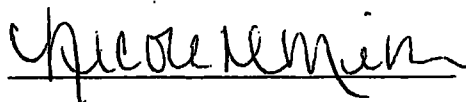
We respectfully request that the Commission investigate these violations and any additional violations found by the Commission; enjoin Respondent from further violations of the Act; and assess the maximum penalties provided by law.

Sincerely,


Casey M. Mann
Executive Director
North Carolina Democratic Party

SWORN TO AND SUBSCRIBED
before me this day by Casey M. Mann.

This 22nd day of October, 2014.



Notary Public

My Commission Expires: 11/25/2014

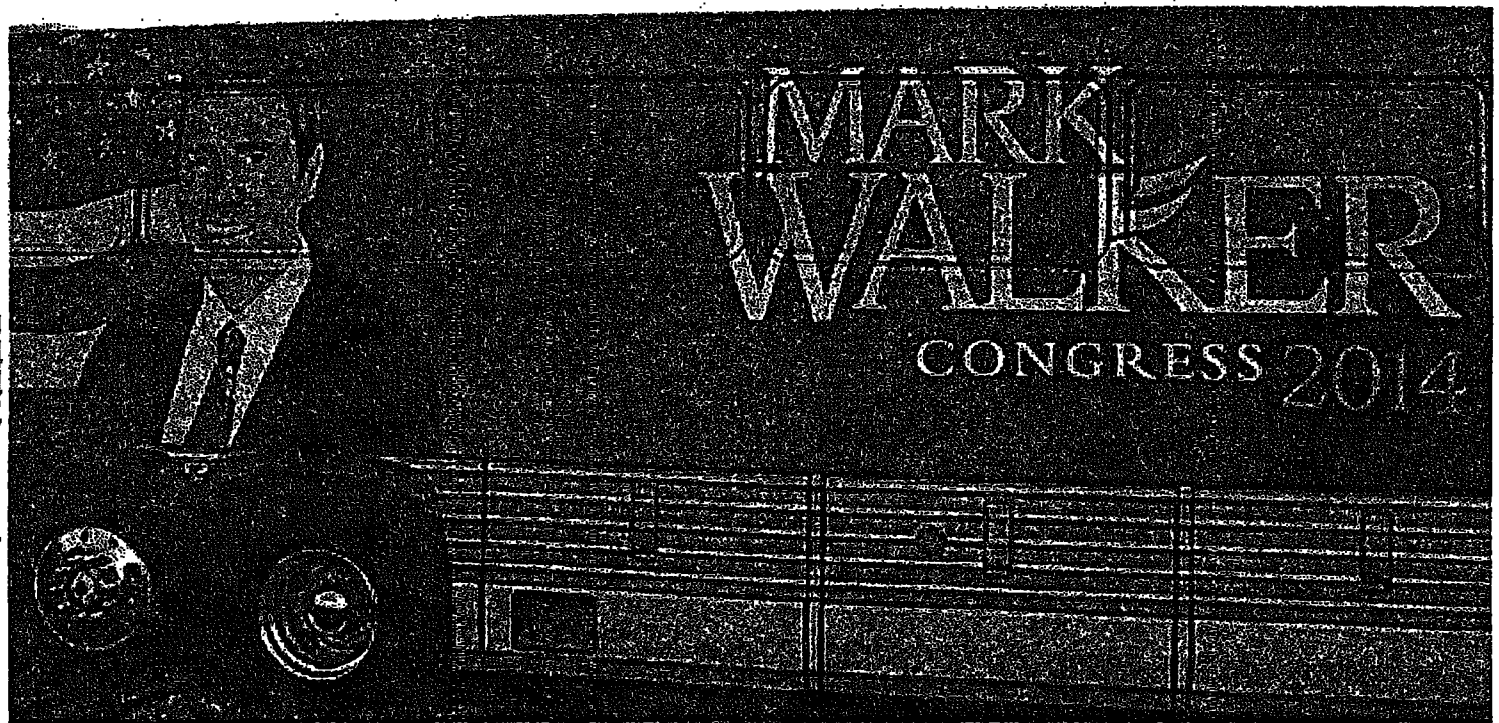
NICOLE MCNEILL
Notary Public
Chatham County
North Carolina
My Commission Expires Nov 25, 2014



Jay Whitt changed his profile picture

September 15, 2013

EXHIBIT 1



Share

3 8

3 people like this.



Terry Ditterline Hi Jay...do you know Mark Walker??? Not up on NC politics... anyway hope you're batting a 1000.

September 16, 2013 at 1:26pm



Jay Whitt Terry, I do know Mark Walker and that is my Bus he is using for his campaign for Congress. Hope you guys are doing well.

September 16, 2013 at 3:14pm



Brian Pilcher III ask. Why do you have a bus?!

September 16, 2013 at 3:19pm



Jay Whitt Brian, It is a converted bus into a RV. I bought it as an investment and my friend Mark Walker is going to use it through the primary in May. He is a Great Guy and is the type person we need in Congress. I am sure you will see it on the road in the GSO area soon. Hope you are doing well.

September 16, 2013 at 3:22pm

EXHIBIT 2

Like Comment @bmarkwalker on Twitter Share

👍 30 💬 16

Lori Bardsley and 29 others like this.



Olga Perkins Seems like good transportation to get Walker to Washington! 😊

July 30, 2013 at 4:44pm Like 👍 2



Mark Walker It has to get to Mt. Airy, Reidsville and Burlington, first.)

July 30, 2013 at 4:45pm Like



Aj Daoud Looks like my bus!

July 30, 2013 at 4:52pm Like



Mark Walker Is yours missing?.)

July 30, 2013 at 4:53pm Like 👍 1



Olga Perkins Those are just stops along the way, that prepare you for the journey. 😊

July 30, 2013 at 4:58pm Like 👍 1



Aj Daoud Don't you remember it from Guilford Convention?

July 30, 2013 at 5:09pm Like



Mark Walker Yes, this one has only 60K miles and was purchased from Florida. Taking some bids on wrapping it and then we should be ready.

July 30, 2013 at 5:11pm Like



Aj Daoud Mine has 27k with washer and dryer!

July 30, 2013 at 5:16pm Like



Michelle Hall Look out Reidsville!!!! Here he comes. AWESOME!!

July 30, 2013 at 5:17pm Like



Darlyne King Stewart Now is this a bus you live on or just for day trips? It looks so nice....where did you get it in FL? We're always watching for good buses!

July 30, 2013 at 9:24pm Like



Mark Walker Ponte Vedra...it was privately owned by an executive. It has a kitchen, full bath, large bedroom and a sitting area with televisions. I don't plan on living in it...but it's early.)

July 30, 2013 at 9:29pm Like 👍 1



Aj Daoud Let me know price of wrap

17044405736

Enter to win a five-star Cancun vacation!

- 7 night stay at the five-star Omni Cancun Resort
- Spacious accomodations (bring up to 6 guests)
- \$500 towards airfare

Donate online: www.Walker4NC.com/Donate

Donate by phone: (336) 500-3002


Every \$25 donation earns 1 raffle entry

Entry deadline: Monday, June 30 at 11:59pm | Winner contacted Tuesday, July 1

*All inclusive rates per person not included

Actual reson photos pictured here



June 3 at 9:40pm Like  1



Ramona Timm Tina Forsberg, I see the keep Conservatives United group have posted Mark is having a fundraiser and the prize is a vacation to Mexico! Is this true?

June 3 at 10:51pm Like



Mark Walker Ramona, someone donated a property for a week in Cancun that we could use to help raise some contributions for radio and mailer ads.

June 3 at 10:56pm Like



Ramona Timm Ok...thanks for the confirmation...it seems the united Conservatives are at it again...criticizing you for this vacation raffle.. Have you heard the Radio ads they are airing..attacking you?

June 3 at 10:58pm Like



Mark Walker Yes, we will respond soon to the ridiculous accusations. We also believe that their negative campaigning will continue to be a detriment to their campaign.

June 3 at 11:15pm Like  7