

MUR # 7622

Office of the General Counsel
Federal Elections Commission
999 E Street, N.W.
Washington D.C. 20463

TELETYPE
FEDERAL MAIL CENTER
2019 JUL 22 AM 8:16

Re: Complaint against Judson Sapp H8FL03046, Judson Sapp for Congress C00665885 & Citizens for Common Sense USA C00682807

July 12, 2019

To whom it may concern:

I, Nicole McConnell, Fairfax, Virginia 22033 file this complaint with the Federal Election Commission in accordance with the provisions of 52 USC § 30109(a)(1) in the belief that Judson Sapp (H8FL03046), Judson Sapp for Congress (C00665885) & Citizens for Common Sense USA (C00682807) violated provisions of the Code of Federal Regulations.

Facts:

During the 2018 election cycle, candidate Judson Sapp ran against candidate Theodore Scott Yoho (H2FL06109) and his designated committee Ted Yoho for Congress (C00494583) in the FL-3 primary election on 8/28/18. Mr. Sapp also contributed to Citizens for Common Sense USA (C00682807), an independent expenditure only committee, three times during the election cycle:

-7/20/18 - \$20,000.00
-8/13/18 - \$20,000.00
-8/21/18 - \$10,000.00

Citizens for Common Sense USA had \$2,375.00 in other contributions during the cycle, leaving Mr. Sapp's portion of total contributions to be approximately 96%.

Citizens for Common Sense USA also made three independent expenditures during the election cycle:

-A radio buy in support of Mr. Sapp for \$10,000.00 on 8/22/18
-Telephone Calls Against Mr. Yoho for \$1,800.00 on 8/22/189
-Direct Mail Against Mr. Yoho for \$8,950 on 8/17/18

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2019 JUL 22 PM 1:07
FEDERAL COUNSEL

Applicable Regulations:

11 CFR § 109.20 – Coordination

“Coordinated means made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or a political party committee”

FEC AO 2017 – 10 – Coordination with an Independent Expenditure Only Committee

“An independent expenditure-only political committee may not make contributions to candidates or political party committees, including in-kind contributions such as coordinated communications”

MUR 6753, 52 U.S.C. § 30125(e)(1) & 11 C.F.R. § 300.2(c) – Coordination & controlled entity

“An entity directly or indirectly established, financed, maintained or controlled by a federal candidate or officeholder may not solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office unless those funds comply with the Act's contribution limitations and source prohibitions.”

“The Commission's implementing regulations identify ten non-exhaustive factors to consider in determining whether a federal candidate or officeholder directly or indirectly established, financed, maintained or controlled an entity under § 30125(e). These factors which include, among others...provided funds in a significant amount or on an ongoing basis to the entity...”

Analysis and Conclusion:

It is easy to determine that Citizens for Common Sense USA is an Independent Expenditure Only Committee as Exhibit 1 (attached) shows registration as such with the Federal Election Commission (FEC). Further, it is also easy to determine that candidate Mr. Sapp is the same person who contributed to Citizens for Common Sense USA by Exhibits 2 and 3 (attached), which show the same name and occupation on the independent expenditure's FEC contributor list and Mr. Sapp's candidate website.

Based on the relationship between the two committees, one must determine if Mr. Sapp as “a federal candidate... directly or indirectly established, financed, maintained or controlled an entity.”

In the full donor list for last cycle to Citizens for Common Sense USA (exhibit 4), one can see Mr. Sapp provided 96% of all contributions. In the full independent expenditure list (exhibits 5 & 6), one can see Mr. Sapp's campaign committee benefited from all independent expenditures.

Based on the aforementioned rules, Mr. Sapp easily exerted enough power over the entity by his contributions and the actions of the committee for Citizens for Common Sense USA to become an illegally connected committee and exceed coordination limits.

There has been a clear violation of the Code of Federal Regulations.

I appreciate your attention and thank you for your consideration in this matter.

Nicole McConnell

Nicole McConnell

Signed and sworn to before me this 18th day of July, 2019.
By Nicole McConnell who is personally known to me.

County: Loudoun

State: VA

Elisa Medina
Elisa Medina
Reg No. 7649392
ex: 8-31-23



Image# 201808249121525533

**24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES
(Schedule E)**

PAGE 1 OF 1
FOR SE OF FORM 24/48

NAME OF COMMITTEE (In Full) CITIZENS FOR COMMON SENSE USA	FEC IDENTIFICATION NUMBER ▼ C C00682807
Check if <input checked="" type="checkbox"/> 24-hour report <input type="checkbox"/> 48-hour report <input checked="" type="checkbox"/> New report <input type="checkbox"/> Amends report filed on	

Full Name of Payee Galaxy Group	Date of Public Distribution/Dissemination 08 / 23 / 2018
Mailing Address 204 Ash Street	Amount 1800.00
City State Zip Code Jeffersonville IN 47130	Transaction ID : SE.4117 Date of Disbursement or Obligation 08 22 2018
Purpose of Expenditure Telephone calls Category/Type 003	
Name of Federal Candidate YOHO, THEODORE SCOTT, ...	Office Sought: <input checked="" type="checkbox"/> House District: 03 <input type="checkbox"/> President <input type="checkbox"/> Senate State: FL
Calendar Year-To-Date Per Election for Office Sought 20750.00	Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶

Full Name of Payee	Date of Public Distribution/Dissemination
Mailing Address	Amount
City State Zip Code	Date of Disbursement or Obligation
Purpose of Expenditure Category/Type	
Name of Federal Candidate	Office Sought: <input type="checkbox"/> House District: _____ <input type="checkbox"/> President <input type="checkbox"/> Senate State: _____
Calendar Year-To-Date Per Election for Office Sought	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶

(a) SUBTOTAL of Itemized Independent Expenditures.....	1800.00
(b) SUBTOTAL of Unitemized Independent Expenditures.....	
(c) TOTAL Independent Expenditures.....	1800.00

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.

Signature Skinner, Sloane ... [Electronically Filed] Date 08 / 24 / 2018

FEC FORM 1

STATEMENT OF ORGANIZATION

RECEIVED
FEC MAIL CENTER
2018 JUL 22 AM 8:14
Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines.

12FE4M5

Citizens for Common Sense USA

ADDRESS (number and street)

1001 Pennsylvania Avenue NW

(Check if address is changed)

Suite 1300 South

Washington

DC

20004

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed)

sskinner@clarkhill.com

Optional Second E-Mail Address

info@cfcsusa.org

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

2. DATE 07 13 2018

3. FEC IDENTIFICATION NUMBER ▶

C C00682807

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Skinner, Sloane, ...

Signature of Treasurer

Skinner, Sloane, ...

[Electronically Filed]

Date

07

13

2018

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 06/2012)

Write or Type Committee Name

Citizens for Common Sense USA

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Mailing Address

CITY

STATE

ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Skinner, Sloane, . . .

Mailing Address 1001 Pennsylvania Avenue NW

Suite 1300 South

Washington DC 20004

Title or Position CITY STATE ZIP CODE

*Treasurer Telephone number

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Skinner, Sloane, . . .

Mailing Address 1001 Pennsylvania Avenue NW

Suite 1300 South

Washington DC 20004

Title or Position CITY STATE ZIP CODE

Treasurer Telephone number

FEC MISCELLANEOUS TEXT RELATED TO A REPORT, SCHEDULE OR ITEMIZATION

Form/Schedule: F1N
Transaction ID :

This committee intends to make independent expenditures, and consistent with the U.S. Court of Appeals for the District of Columbia Circuit decision in *SpeechNow v. FEC*, it therefore intends to raise funds in unlimited amounts. This committee will not use those funds to make contributions, whether direct, in-kind, or via coordinated communications, to federal candidates or committees.

Form/Schedule:
Transaction ID:

**SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER: PAGE 8 OF 12

(check only one)

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 12	<input type="checkbox"/> 13	<input type="checkbox"/> 14	<input type="checkbox"/> 15	<input type="checkbox"/> 16	<input type="checkbox"/> 17
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Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
CITIZENS FOR COMMON SENSE USA

A. Full Name of Individual (Last, First, Middle Initial) or Full Organization Name SAPP, JUDSON, , ,			Date of Receipt MM / DD / YYYY 08 / 21 / 2018		
Mailing Address 700 BLANDING BLVD. SUITE 13-391			Transaction ID : SA11AI.4141		
City ORANGE PARK	State FL	Zip Code 32065	Amount of Each Receipt this Period 10000.00		
FEC ID number of contributing federal political committee. C H8FL03046			Memo Item Contribution		
Name of Employer (for Individual) W. J. Sapp & Son, Inc.		Occupation (for Individual) CEO			
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Aggregate Year-to-Date ▼ 50000.00			

B. Full Name of Individual (Last, First, Middle Initial) or Full Organization Name			Date of Receipt		
Mailing Address			MM / DD / YYYY		
City	State	Zip Code	Amount of Each Receipt this Period		
FEC ID number of contributing federal political committee. C			<input type="checkbox"/> Memo Item		
Name of Employer (for Individual)		Occupation (for Individual)			
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Aggregate Year-to-Date ▼			

C. Full Name of Individual (Last, First, Middle Initial) or Full Organization Name			Date of Receipt		
Mailing Address			MM / DD / YYYY		
City	State	Zip Code	Amount of Each Receipt this Period		
FEC ID number of contributing federal political committee. C			<input type="checkbox"/> Memo Item		
Name of Employer (for Individual)		Occupation (for Individual)			
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		Aggregate Year-to-Date ▼			

SUBTOTAL of Receipts This Page (optional).....▶	10000.00
TOTAL This Period (last page this line number only).....▶	56250.00

Image# 201810019124269653

24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES (Schedule E)

PAGE 1 OF 1 FOR SE OF FORM 24/48

NAME OF COMMITTEE (In Full) CITIZENS FOR COMMON SENSE USA
FEC IDENTIFICATION NUMBER C C00682807
Check if [X] 24-hour report [] 48-hour report [X] New report [] Amends report filed on

Full Name of Payee Galaxy Group

Date of Public Distribution/Dissemination 08 / 22 / 2018

Mailing Address 204 Ash Street

Amount 8950.00

City Jeffersonville State IN Zip Code 47130

Transaction ID : SE.4114

Purpose of Expenditure Direct Mailer Category/Type 003

Date of Disbursement or Obligation 08 / 17 / 2018

Name of Federal Candidate YOHO, THEODORE SCOTT, ... [X] Support [] Oppose

Office Sought: [X] House District: 03 [] President [] Senate State: FL

Calendar Year-To-Date Per Election for Office Sought 8950.00

Disbursement For: [X] Primary [] General 2018 [] Other (specify)

Full Name of Payee Galaxy Group

Date of Public Distribution/Dissemination 08 / 22 / 2018

Mailing Address 204 Ash Street

Amount 10000.00

City Jeffersonville State IN Zip Code 47130

Transaction ID : SE.4117

Purpose of Expenditure Radio Buy Category/Type 003

Date of Disbursement or Obligation 08 / 22 / 2018

Name of Federal Candidate SAPP, JUDSON, ... [X] Support [] Oppose

Office Sought: [X] House District: 03 [] President [] Senate State: FL

Calendar Year-To-Date Per Election for Office Sought 18950.00

Disbursement For: [X] Primary [] General 2018 [] Other (specify)

Table with 2 columns: Description and Amount. (a) SUBTOTAL of Itemized Independent Expenditures 18950.00, (b) SUBTOTAL of Unitemized Independent Expenditures, (c) TOTAL Independent Expenditures 18950.00

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.

Signature Skinner, Skinner, ... [Electronically Filed] Date 08 / 23 / 2018

Judson Sapp

https://judsonsapp.com

JUDSON SAPP

Conservative. Businessman.

Facebook Twitter Instagram

Judson Sapp

Native Floridian and conservative businessman

As CEO of W.J. Sapp Railroad Contractor, Judson Sapp oversees the operations of the company, which conducts business throughout the Southeastern United States.

[READ JUDSON'S BIO](#)

[Facebook](#) [Twitter](#) [Instagram](#)

[Fund For My Judson Sapp for Congress](#)

Committee/Candidate Details x +

https://classic.fec.gov/disclosure/CommitteeTransaction.do

Details for Committee ID : C00682807

Itemized Individual Contributions - CITIZENS FOR COMMON SENSE USA

Expert Options: Metadata XML CSV JSON

Total Results: 6

Contributor Name	Employer	Occupation	Description	City	State	Zip	Receipt Date	Amount	Memo Code
1000 RIVERSIDE PARTNERS LLC			CONTRIBUTION	JACKSONVILLE	FL	32204	08/17/2018	\$1,000	
AVA ENGINEERS INC.			CONTRIBUTION	JACKSONVILLE	FL	32216	08/10/2018	\$750	
FISHBACK, DOHMECK, BENNETT, ANDERSON, AHLERS, LANGLEY & GELLER, LLP			CONTRIBUTION	WINTER PARK	FL	32789	08/07/2018	\$500	
GALAXY GROUP			OVERPAYMENT	JEFFERSONVILLE	IN	47130	08/22/2018	\$4,900	
SAPP, JUDSON	W. J. SAPP & SON, INC.	CEO	CONTRIBUTION	ORANGE PARK	FL	32055	07/20/2018	\$20,000	
SAPP, JUDSON	W. J. SAPP & SON, INC.	CEO	CONTRIBUTION	ORANGE PARK	FL	32055	08/13/2018	\$20,000	
SAPP, JUDSON	W. J. SAPP & SON, INC.	CEO	CONTRIBUTION	ORANGE PARK	FL	32055	08/21/2018	\$10,000	

Total Results: 6

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