

BEFORE THE FEDERAL ELECTION COMMISSION

COOLIDGE REAGAN FOUNDATION)
1629 K Street NW, Suite 300)
Washington, DC 20006)

Complainant,)

v.)

ALEXANDRIA OCASIO-CORTEZ)
FEC ID Number H8NY15148)
P.O. Box 680080)
Corona, NY 11368,)

ALEXANDRIA OCASIO-CORTEZ)
FOR CONGRESS,)
formerly known as)
ALEXANDRIA OCASIO-CORTEZ 2018)
FEC ID: C00639591)
P.O. Box 680080)
Corona, NY 11368)
Frank Llewellyn, Treasurer)

JUSTICE DEMOCRATS PAC)
FEC ID: C00630665)
P.O. Box 910)
Knoxville, TN 37901)
Alexandra Rojas, Treasurer,)

BRAND NEW CONGRESS PAC)
FEC ID: C00613810)
2930 Wesley Avenue)
Charlotte, NC 28205)
Isra Allison, Treasurer,)

BRAND NEW CONGRESS LLC, also known)
as BRAND NEW CAMPAIGN LLC)
714 South Gay St)
Knoxville, TN 37902,)

SAIKAT CHAKRABARTI)
200 W. Jackson Ave., Apt. 406)
Knoxville, TN 37902)

Respondents.)

_____)

VERIFIED COMPLAINT

INTRODUCTION

This Complaint alleges Respondent Representative Alexandria Ocasio-Cortez and her campaign manager, Saikat Chakrabarti, engaged in a brazen scheme involving multiple political and commercial entities under their control to violate federal election law, circumvent federal contribution limits and reporting requirements, and execute an unlawful subsidy scheme. This scheme allowed Ocasio-Cortez to gain an unfair advantage by receiving illegally excessive contributions and illegally subsidized campaign services while shielding the full extent of her violations from public view to maintain her false public image as a campaign finance reformer.

Beginning in 2017, Ocasio-Cortez and several other far-left progressive Democratic candidates paid Brand New Congress LLC a total of over \$170,000 to run their campaigns and provide other campaign-related services. Fueled by hundreds of thousands of dollars in additional payments from political committees controlled by Ocasio-Cortez and Chakrabarti - Brand New Congress PAC and Justice Democrats PAC - Brand New Congress LLC provided those candidates well over a half-million dollars' worth of campaign services. Brand New Congress LLC was operating at a loss—sustaining itself through constant infusions of cash from Ocasio Cortez's and Chakrabarti's PACs—specifically to subsidize cheap assistance for Ocasio-Cortez and other candidates at rates far below market value and without a commercial profit motivation.

Brand New Congress provided cheap campaign services to Ocasio-Cortez and other candidates in part by failing to amortize its overhead and infrastructure costs among the amounts it charged them. Rather than recouping part of these fixed costs from its supposed clients, Brand New Congress LLC bore these overhead and infrastructure costs itself, relying on money funneled to it by Brand New Congress PAC and Justice Democrats PAC. Unable to sustain this business model, Brand New Congress LLC shut down before the election cycle even ended.

By providing campaign services at prices below market value, without a commercial profit motivation and without recouping or properly allocating appropriate portions of its overhead and infrastructure costs among its “client” candidates, Brand New Congress LLC provided illegal excessive in-kind contributions to Ocasio-Cortez and the other candidates. By funneling hundreds of thousands of dollars to Brand New Congress LLC to subsidize the services it was providing candidates, Brand New Congress PAC and Justice Democrats PAC likewise violated contribution limits and reporting requirements. And by accepting these illegal in-kind contributions, Ocasio-Cortez violated both contribution limits and reporting requirements, as well.

This Commission should investigate the excessive monetary and in-kind contributions; false and incomplete disclosure reports; and unreported coordination, shared control, and affiliation among Ocasio-Cortez’s and Chakrabarti’s shadowy web of entities. Ocasio-Cortez and her Chief of Staff repeatedly and blatantly flouted our nation’s campaign finance requirements. This Commission must act.

PARTIES

1. Complainant COOLIDGE REAGAN FOUNDATION is a 501(c)(3) non-profit foundation dedicated to protecting the First Amendment and promoting free and fair elections.

2. Respondent ALEXANDRIA OCASIO-CORTEZ was a candidate for Congress in 2018, and currently serves as a Member of Congress from New York’s 14th Congressional District.

3. Respondent ALEXANDRIA OCASIO-CORTEZ FOR CONGRESS (“AOC for Congress”) is Alexandria Ocasio-Cortez’s authorized candidate committee.

4. Respondent JUSTICE DEMOCRATS PAC is a nonqualified political committee (“PAC”).

5. Respondent BRAND NEW CONGRESS PAC is a nonqualified PAC.

6. Respondent BRAND NEW CONGRESS LLC is a limited liability company that does not appear to be registered by that name in any state. On information and belief, it was formed under the name BRAND NEW CAMPAIGN LLC and registered with the Delaware Secretary of State, File Number 6039258. Its single member is Saikat Chakrabarti, Ocasio-Cortez’s campaign manager and current chief of staff.

OCASIO-CORTEZ AND SAIKAT CHAKRABARTI CONTROLLED BOTH HER CAMPAIGN AND JUSTICE DEMOCRATS PAC SIMULTANEOUSLY, AND VIOLATED BOTH CONTRIBUTION LIMITS AND REPORTING REQUIREMENTS

7. On March 4, 2019, investigative reporter Andrew Kerr published an article entitled, “Ocasio-Cortez and Her Chief of Staff ‘Could Be Facing Jail Time’ if Their Control Over PAC Was Intentionally Hidden, Former FEC Commissioner Says,” in the *Daily Caller*. <https://dailycaller.com/2019/03/04/ocasio-cortez-justice-democrats/>. The article explains how AOC for Congress and Justice Democrats PAC were both subject to the control of Rep. Ocasio-Cortez and the current Chief of Staff of her congressional office, Saikat Chakrabarti.

8. Ocasio-Cortez formed AOC for Congress on May 5, 2017, and designated it a principal campaign committee.

9. An entity called Justice Democrats incorporated in the District of Columbia on October 6, 2017, as a non-profit corporation operating as a political committee under the Federal Election Campaign Act and a political organization under § 527 of the Internal Revenue Code. Justice Democrats PAC was formed on January 9, 2017, to “usher in a new generation of diverse working class leaders into the Democratic Party.” See Justice Democrats, *#OurTime*, at www.justicedemocrats.com.

10. In December 2017, Ocasio-Cortez and Chakrabarti joined Justice Democrats PAC's board. At the time, it was comprised of four people: Ocasio-Cortez, Chakrabarti, Cenk Uygur, and Kyle Kulinski.

11. On December 22, 2017, Uygur was expelled from the board, giving Ocasio-Cortez and Chakrabarti majority control of Justice Democrats PAC's board, which was now comprised of only three people.

12. As of December 25, 2017, Justice Democrats PAC's website said its board members Kulinski, Ocasio-Cortez, and Chakrabarti. The website confirms Ocasio-Cortez and Chakrabarti retained majority control of Justice Democrats PAC. Chakrabarti was also serving as the PAC's Executive Director, further cementing their control. <https://web.archive.org/web/20171225015602/https://www.justicedemocrats.com/about>.

13. No later than May 15, 2017, Chakrabarti was an agent of AOC for Congress. The first amended version of AOC for Congress's Statement of Organization (FEC Form 1), dated May 15, 2017, identified Chakrabarti as the campaign's official custodian of records. On information and belief, he played a major role in assisting and overseeing Ocasio-Cortez's campaign at least as of that time. Not later than February 2018, Chakrabarti officially became Ocasio-Cortez's campaign manager, and that same month AOC for Congress filed an amended Statement of Organization identifying him as the committee's Treasurer.

14. On March 28, 2018, Chakrabarti electronically signed and filed a "Two Year Report for Domestic & Foreign Filing Entity" on behalf of Justice Democrats PAC with the District of Columbia government. The report stated Justice Democrats PAC's "governors" were Chakrabarti, Nasim Thompson, and Ocasio Cortez. This filing confirms Ocasio-Cortez and Chakrabarti retained majority control of Justice Democrats PAC through at least March 2018.

15. As of June 24, 2018, Justice Democrats PAC's website identified only Ocasio-Cortez and Chakrabarti as Justice Democrats PAC's board members, giving them total control over the organization. It stated, "Justice Democrats PAC has a board consisting of Alexandria Ocasio-Cortez and Saikat Chakrabarti that has legal control over the entity." Chakrabarti remained the PAC's executive director.

<https://web.archive.org/web/20180624092923/https://www.justicedemocrats.com/about>.

16. Thus, from December 2017 (if not earlier) through at least the end of June 2018, Ocasio-Cortez and Chakrabarti expressly and as a matter of law controlled Justice Democrats PAC. Mr. Chakrabarti remained on Justice Democrats PAC's board through January 11, 2019, when he resigned to become the Chief of Staff in Ocasio-Cortez's congressional office.

17. There were three possible relationships among Ocasio-Cortez; AOC for Congress, Ocasio-Cortez's authorized principal candidate committee; and Justice Democrats PAC. Whichever of these alternatives is actually the case, the Respondents acted illegally:

- a. Justice Democrats PAC was an authorized candidate committee of Ocasio-Cortez;
- b. Justice Democrats PAC was an unauthorized committee subject to Ocasio-Cortez's control and therefore was a leadership PAC; or
- c. Justice Democrats PAC was not subject to Ocasio-Cortez's control and therefore constituted a completely independent unauthorized PAC.

Justice Democrats PAC as an Authorized Committee

18. Each candidate is required to designate a principal campaign committee. 52 U.S.C. § 30102(e)(1); *see also id.* § 30101(5). Ocasio-Cortez's principal campaign committee for the 2018 election cycle was AOC for Congress (formerly known as Alexandria Ocasio-Cortez 2018).

19. A candidate may also “designate additional political committees . . . to serve as authorized committees.” 52 U.S.C. § 30102(e)(1).

20. Justice Democrats PAC qualified as an authorized committee of Ocasio-Cortez because:

a. From approximately December 2017 through June 2018, Ocasio-Cortez and her campaign manager, Chakrabarti, controlled a majority of Justice Democrats PAC’s board;

b. Justice Democrats PAC sought to promote Ocasio-Cortez’s election to Congress, raised money to facilitate her election to Congress, and made expenditures to assist in her campaign;

c. Ocasio-Cortez and/or her campaign manager, Chakrabarti, controlled Justice Democrats PAC’s fundraising, expenditures, and disbursements.

21. Ocasio-Cortez, AOC for Congress, and Justice Democrats PAC failed to fulfill many of the administrative requirements for authorized committees.

a. To designate an additional authorized committee, a candidate must file a written designation with her principal campaign committee, 52 U.S.C. § 30102(e)(1); *accord* 11 C.F.R. § 102.13(a)(1), which in turn must file it with the Federal Election Commission (“FEC”), 52 U.S.C. § 30102(f)(2), (g); *accord* 11 C.F.R. § 102.1(a). On information and belief, Ocasio-Cortez did not designate Justice Democrats PAC as an authorized committee in writing, and AOC for Congress did not file any such designation with the FEC.

b. The name of an authorized committee must include the name of the candidate who authorized it. 52 U.S.C. § 30102(e)(4); *accord* 11 C.F.R. § 102.14(a). Justice Democrats PAC did not include the name of Ocasio-Cortez in its name in its Statement of Organization (FEC Form 1).

c. A committee's registration statement must identify any candidate for whom it is an authorized committee, as well as the candidate's "address, office sought, and party affiliation." 52 U.S.C. § 30103(b)(5); *accord* 11 C.F.R. § 102.2(a)(1)(v). Justice Democrats PAC neither identified itself as an authorized committee of Ocasio-Cortez nor included any of the required information about her in its registration form or subsequent amendments.

d. A committee's registration statement must identify any other committees with which it is affiliated. 52 U.S.C. § 30103(b)(2); 11 C.F.R. § 102.2(a)(1)(ii). AOC for Congress did not identify Justice Democrats PAC as an affiliated committee in its registration statement or subsequent amendments. Nor did Justice Democrats PAC identify AOC for Congress as an affiliated committee in its registration statement or subsequent amendments.

e. An authorized committee must identify itself in its statutorily required disclaimers as an authorized committee of the candidate who sponsored it. 52 U.S.C. § 30120(a)(1), (d)(1) and 11 C.F.R. § 110.11(b)(1), (c)(2)-(c)(3). Justice Democrats PAC did not include this information in its disclaimers.

22. An authorized committee may not support more than one candidate for office, with certain irrelevant exceptions. 52 U.S.C. § 30102(e)(3)(A); *accord* 11 C.F.R. § 102.13(c)(1). Although Justice Democrats PAC qualified as an authorized committee of Ocasio-Cortez, it violated these restrictions by supporting other far-left progressive Democratic candidates for Congress, as well. Justice Democrats PAC's webpage alleges it supported 78 candidates, of whom 26 won their primary elections and seven won their general elections. Justice Democrats, *2018-Slate for Justice*, at <https://www.justicedemocrats.com/candidates/>. From 2017–18, Justice Democrats PAC reported making tens of thousands of dollars in disbursements in support of approximately 50 candidates.

23. Federal regulations provide, “All authorized committees of the same candidate for the same election to Federal office are affiliated.” 11 C.F.R. § 100.5(g)(1). Pursuant to this provision, AOC for Congress and Justice Democrats PAC are affiliated. All contributions “received by more than one affiliated committee . . . shall be considered to be . . . received by a single political committee.” 11 C.F.R. § 110.3(a). Thus, contributions to AOC for Congress and Justice Democrats PAC were subject to a single, shared contribution limit.

24. Moreover, contributions made to any authorized candidate committee are deemed contributions to the candidate herself. 52 U.S.C. § 30116(a)(7)(A). Again, contributions to AOC for Congress and Justice Democrats PAC both constituted contributions to Ocasio-Cortez herself and, accordingly, were subject to the same shared contribution limit of \$2,700 per election from each contributor. 52 U.S.C. § 30116(a)(1)(A); *see also* FEC, *Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold*, 80 FED. REG. 5,750, 5,752 (Feb. 3, 2015).

25. Ocasio-Cortez, acting through AOC for Congress and Justice Democrats PAC, accepted illegal contributions from Chakrabarti that exceeded the joint limit these committees shared.

- a. Chakrabarti contributed \$5,000 to Justice Democrats PAC in 2018.
- b. He contributed a total of \$4,052.72 to AOC for Congress in the 2018 cycle, including both cash and in-kind contributions.
- c. He contributed a total of \$9,052.72 to the committees.
- d. It is unknown how much Chakrabarti invested directly in Brand New Congress LLC.

Justice Democrats PAC as an Undisclosed, Unauthorized Leadership PAC

26. In the alternative, if Justice Democrats PAC does not qualify as an authorized committee of Ocasio-Cortez, then it is an unauthorized committee. 11 C.F.R. § 100.5(f).

27. A leadership PAC is a political committee “directly or indirectly established, financed, maintained, or controlled by a candidate for Federal office . . . but which is not an authorized committee of the candidate . . . and which is not affiliated with an authorized committee of the candidate.” 11 C.F.R. § 100.5(e)(6).

28. Ocasio-Cortez and Chakrabarti controlled Justice Democrats PAC through both their control of its board, as well as Chakrabarti’s dual role as Ocasio-Cortez’s campaign manager and Justice Democrats PAC’s Executive Director. Because Ocasio-Cortez, a candidate for Congress, and Chakrabarti, her campaign manager and thus agent, controlled Justice Democrats PAC, it constituted a leadership PAC of Ocasio-Cortez.

29. AOC for Congress did not identify Justice Democrats PAC as a leadership PAC in its registration form or subsequent amendments. Nor did Justice Democrats PAC comply with disclaimer requirements governing leadership PACs.

30. If Justice Democrats PAC was in fact a leadership PAC, Ocasio-Cortez, Chakrabarti, and Justice Democrats PAC violated federal restrictions on political contributions and expenditures in at least three different ways.

31. **Prohibition on Leadership PACs, as Unauthorized Committees, Making Expenditures in Support of the Candidates Who Control Them**—First, leadership PACs are prohibited from being authorized committees. 11 C.F.R. § 100.5(e)(6). Because an authorized committee is a committee a candidate specially authorizes to “make expenditures” on his or her behalf, 52 U.S.C. § 30101(6); 11 C.F.R. §§ 100.5(f)(1), 102.13(a)(1), a leadership PAC may not

make expenditures in support of the candidate who controls it. Accordingly, Justice Democrats PAC was prohibited from making expenditures in support of Ocasio-Cortez. Justice Democrats PAC nevertheless made numerous illegal expenditures in support of Ocasio-Cortez. In particular, Justice Democrats PAC disbursed up to \$605,849.42 to Brand New Congress LLC to subsidize and defray most of the cost of the campaign services Brand New Congress LLC was providing to Ocasio-Cortez and AOC for Congress.

32. Illegal In-Kind Contributions from Justice Democrats PAC to AOC for Congress in the Form of Unreported, Excessive Coordinated Expenditures—Second, Justice Democrats PAC, as a leadership PAC, also made illegal excessive and unreported contributions to Ocasio-Cortez’s campaign in the form of coordinated expenditures.

a. Ocasio-Cortez and Chakrabarti controlled Justice Democrats PAC’s expenditures, through both their control of the Board as well as Chakrabarti’s dual role as Ocasio-Cortez’s campaign manager and Justice Democrats PAC’s Executive Director.

b. Under the control of Ocasio-Cortez and Chakrabarti, Justice Democrats PAC made expenditures, which were at least partly intended to, and had the primary effect of, benefiting Ocasio-Cortez’s campaign. In particular, Justice Democrats PAC disbursed up to \$605,849.42 to Brand New Congress LLC to subsidize and defray the cost of the campaign services Brand New Congress LLC was providing to Ocasio-Cortez and AOC for Congress.

c. Because these expenditures were made subject to Ocasio-Cortez and Chakrabarti’s control, they are deemed coordinated with Ocasio-Cortez, 11 C.F.R. § 109.20(a), and therefore constitute in-kind contributions to Ocasio-Cortez’s campaign, *id.* § 109.20(b).

33. Justice Democrats PAC did not report the expenditures identified in ¶ 32 as coordinated expenditures or in-kind contributions.

34. AOC for Congress did not report the expenditures identified in ¶ 32 as either in-kind contributions, or its own expenditures, as required by 11 C.F.R. § 109.20(b).

35. Justice Democrats PAC’s coordinated expenditures, which constituted in-kind contributions to AOC for Congress, exceeded the \$5,000 per election limit on contributions from multicandidate political committees to candidates. 52 U.S.C. § 30116(a)(2)(A); 11 C.F.R. § 110.2(b)(1).

36. Illegal In-Kind Contributions from Justice Democrats PAC to AOC for Congress in the Form of Services Provided at Prices Far Below Market Value and Without a Commercial Profit Motivation—Third, as described below, Ocasio-Cortez is one of several far-left Progressive Democratic candidates for Congress who provided campaign funds to Justice Democrats PAC for essential campaign functions.

37. AOC for Congress provided a total of \$41,818.44 to Justice Democrats PAC to provide campaign-related services for her. The following chart summarizes those payments and their stated purposes:

STRATEGIC CONSULTING	11/1/2017	\$	2,626.32	http://docquery.fec.gov/cgi-bin/fecimg/?201804109105537346
CAMPAIGN SERVICES	2/14/2018	\$	1,856.91	http://docquery.fec.gov/cgi-bin/fecimg/?201808219121506432
CAMPAIGN SERVICES	2/14/2018	\$	2,282.74	http://docquery.fec.gov/cgi-bin/fecimg/?201808219121506432
CAMPAIGN SERVICES	4/26/2018	\$	796.03	http://docquery.fec.gov/cgi-bin/fecimg/?201808219121506741
CAMPAIGN SERVICES	5/7/2018	\$	145.20	http://docquery.fec.gov/cgi-bin/fecimg/?201808219121506741
CAMPAIGN SERVICES	5/8/2018	\$	85.91	http://docquery.fec.gov/cgi-bin/fecimg/?201808219121506742
CAMPAIGN SERVICES	6/12/2018	\$	270.20	http://docquery.fec.gov/cgi-bin/fecimg/?201903189145719550
CAMPAIGN SERVICES	6/12/2018	\$	118.38	http://docquery.fec.gov/cgi-bin/fecimg/?201903189145719550
CAMPAIGN SERVICES	6/13/2018	\$	231.16	http://docquery.fec.gov/cgi-bin/fecimg/?201903189145719551
WEB HOSTING & INTERNET SERVICE	6/15/2018	\$	709.85	http://docquery.fec.gov/cgi-bin/fecimg/?201903189145719551
WEB SERVICES, STAFFING, DIALER TIME, RECORD CHECKING INV,1253	7/9/2018	\$	21,714.13	http://docquery.fec.gov/cgi-bin/fecimg/?201903189145720829
CORBIN TRENT TRAVEL, WEB SERVICES	8/17/2018	\$	1,720.86	http://docquery.fec.gov/cgi-bin/fecimg/?201903189145720829
INVOICE 1304 CAMPAIGN WEB SERVICES & TRAVEL	9/20/2018	\$	1,304.08	http://docquery.fec.gov/cgi-bin/fecimg/?201903189145720830
CAMPAIGN SERVICES	10/12/2018	\$	2,376.67	http://docquery.fec.gov/cgi-bin/fecimg/?201903189145721249
CAMPAIGN WEB SERVICES, STAFF TIME INVOICE 1324	12/15/2018	\$	4,390.00	http://docquery.fec.gov/cgi-bin/fecimg/?201903189145734079
CAMPAIGN WEB SERVICES, STAFF TIME INVOICE 1330	12/15/2018	\$	1,190.00	http://docquery.fec.gov/cgi-bin/fecimg/?201903189145734079

38. Justice Democrats PAC, in turn, provided a total of \$605,849.12 to Brand New Congress LLC, to actually provide those services to her and other congressional candidates on its behalf. On information and belief, the portion of the total amount of Justice Democrats PAC’s payment to Brand New Congress LLC specifically to provide services to AOC for Congress

exceeded the \$41,848.44 AOC for Congress paid Justice Democrats PAC. Justice Democrats PAC's payments to Brand New Congress LLC are summarized in the chart below:

STRATEGIC CONSULTING	2/18/2017	\$ 60,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921050
STRATEGIC CONSULTING	3/10/2017	\$ 60,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921051
STRATEGIC CONSULTING	4/7/2017	\$ 60,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921051
STRATEGIC CONSULTING	5/5/2017	\$ 60,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921051
STRATEGIC CONSULTING	6/1/2017	\$ 60,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921052
STRATEGIC CONSULTING	6/14/2017	\$ 129,850.58	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921052
STRATEGIC CONSULTING	7/14/2017	\$ 43,886.00	http://docquery.fec.gov/cgi-bin/fecimg/?201811059133595029
STRATEGIC CONSULTING	8/14/2017	\$ 39,068.00	http://docquery.fec.gov/cgi-bin/fecimg/?201811059133595029
STRATEGIC CONSULTING	8/31/2017	\$ 82,500.00	http://docquery.fec.gov/cgi-bin/fecimg/?201811059133595029
STRATEGIC CONSULTING	11/1/2017	\$ 2,531.00	http://docquery.fec.gov/cgi-bin/fecimg/?201811059133595030
STRATEGIC CONSULTING	11/14/2017	\$ 8,013.54	http://docquery.fec.gov/cgi-bin/fecimg/?201811059133595030

39. The fair market value of the services Justice Democrats PAC contracted with Brand New Congress LLC to provide to Ocasio-Cortez and her candidate committee far exceeded the amount Ocasio-Cortez paid to Justice Democrats PAC. That difference in value constitutes an in-kind contribution from Justice Democrats PAC to AOC for Congress. *See* 11 C.F.R. § 100.52(d)(1).

40. Neither Justice Democrats PAC nor AOC for Congress reported this contribution.

41. The amount of Justice Democrats PAC's in-kind contribution to AOC for Congress exceeded the \$5,000 per election limit on contributions from multicandidate political committees to candidates. *See* 52 U.S.C. § 30116(a)(2)(A).

Justice Democrats PAC as an Unauthorized Independent PAC

42. In the alternative, if Justice Democrats PAC is neither authorized by Ocasio-Cortez nor a leadership PAC of hers, it is a standalone unauthorized political committee.

43. Justice Democrats PAC coordinated its expenditures with Ocasio-Cortez and AOC for Congress, both through Ocasio-Cortez's and Chakrabarti's service on its board, as well as through Chakrabarti's dual role as Ocasio-Cortez's campaign manager and Justice Democrats PAC's Executive Director. Accordingly, its expenditures relating to Ocasio-Cortez are coordinated

and constitute in-kind contributions. Justice Democrats PAC did not report making such contributions, and AOC for Congress did not report receiving them. Moreover, the amount of such contributions exceeds the \$5,000 limit on contributions from multicandidate political committees to candidates. *See supra* ¶¶ 32-35.

44. Additionally, AOC for Congress paid Justice Democrats PAC \$41,848.44 to essentially run its campaign. Justice Democrats PAC paid Brand New Congress LLC \$605,849.12 to provide such campaign-related services to thirteen far-left Progressive Democratic candidates, including Ocasio-Cortez. The amount Justice Democrats PAC paid Brand New Congress LLC to provide campaign services to Ocasio-Cortez far exceeded the amount Ocasio-Cortez paid Justice Democrats PAC for those services. The fair market value of the services Justice Democrats PAC contracted with Brand New Congress LLC to provide to Ocasio-Cortez and AOC for Congress far exceeded the amount Ocasio-Cortez paid to Justice Democrats PAC. That difference in value constitutes an in-kind contribution from Justice Democrats PAC to AOC for Congress. *See* 11 C.F.R. § 100.52(d)(1). Neither Justice Democrats PAC nor AOC for Congress reported this in-kind contribution, and its amount exceeded the \$5,000 per election limit on contributions from multicandidate political committees to candidates. *See supra* ¶¶ 36-41.

45. For these reasons, no matter how the relationship among Ocasio-Cortez, AOC for Congress, and Justice Democrats PAC is characterized, they violated federal contribution limits and reporting requirements.

**BRAND NEW CONGRESS LLC PROVIDED
EXCESSIVE UNREPORTED IN-KIND CONTRIBUTIONS TO OCASIO-CORTEZ
AND OTHER PROGRESSIVE DEMOCRATIC CONGRESSIONAL CANDIDATES**

46. David Mitrani, Esq., of Sandler, Reiff, Lamb, Rosenstein & Birkenstock PC is counsel for AOC for Congress, Brand New Congress PAC, Brand New Congress LLC, and Justice Democrats.

47. He publicly explained the facts underlying these entities' conspiracy to violate federal campaign finance law. A true and complete copy of his statement is attached to this Verified Complaint as Exhibit 1.

48. Mitrani admits Brand New Congress LLC, "was formed to serve as 'a campaign in a box,' a one-stop vendor for communications, field, online organizing, fundraising and the like."

a. On May 8, 2018, Justice Democrats PAC released a public statement providing further information about Brand New Congress LLC. A true and complete copy of Justice Democrats PAC's statement is attached to this Verified Complaint as Exhibit 2, and it is available online at <https://justicedems.freshdesk.com/support/solutions/articles/33000223353-when-i-look-at-the-fec-report-for-justice-democrats-in-2017-why-are-there-so-many-expenditures-to-b>.

b. According to this statement, Brand New Congress LLC was formed to "actually fully run all of [its candidates'] campaigns as if it was one big presidential race." It offered "one central team" to "do[] the annoying work of keeping the actual campaign logistics running." The LLC's plan "was to essentially run the full campaigns for the vast majority of [its] candidates." It sought to allow candidates "to get a campaign going from 0 to 60 in a very short period of time and cheaply."

49. Mitrani acknowledged Chakrabarti was the sole member of Brand New Congress LLC.

50. The campaign committees of thirteen far-left progressive Democratic candidates for Congress (collectively, “Involved Candidates”) paid Justice Democrats PAC a total of \$173,101.92 for “Strategic Consulting” over the course of the 2018 campaign cycle (2017-2018).

These included:

a. Adrienne Bell 2018 paid Brand New Congress LLC a total of \$10,536.26 for “Strategic Consulting” over 2017. These payments included:

6/30/2017	\$	4,407.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707149066648402
7/19/2017	\$	4,254.19	http://docquery.fec.gov/cgi-bin/fecimg/?201710159075680522
9/1/2017	\$	1,875.07	http://docquery.fec.gov/cgi-bin/fecimg/?201710159075680522

b. AOC for Congress paid Brand New Congress LLC a total of \$18,880.14 for “Strategic Consulting” over 2017. These payments included:

6/30/2017	\$	4,516.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707149066649027
7/26/2017	\$	8,172.82	http://docquery.fec.gov/cgi-bin/fecimg/?201804139108015169
8/27/2017	\$	6,191.32	http://docquery.fec.gov/cgi-bin/fecimg/?201804139108015170

c. Anthony Clark 2018 paid Brand New Congress LLC a total of \$18,577.22 for “Strategic Consulting” over 2017 (though one of his reports specified “Discount on Invoice” instead). These payments included:

6/30/2017	\$	4,516.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707149066650368
7/19/2017	\$	6,669.97	http://docquery.fec.gov/cgi-bin/fecimg/?201710149075672537
8/27/2017	\$	4,691.25	http://docquery.fec.gov/cgi-bin/fecimg/?201710149075672538
9/1/2017	\$	2,700.00	http://docquery.fec.gov/cgi-bin/fecimg/?201710149075672538

d. Chardo Richardson for Congress paid Brand New Congress LLC a total of \$4,034.77 for “Strategic Consulting” over 2017. These payments included:

6/30/2017	\$	508.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707149066651454
7/20/2017	\$	3,526.77	http://docquery.fec.gov/cgi-bin/fecimg/?201710149075672286

e. Committee to Elect Ryan Stone paid Brand New Congress LLC a total of \$8,550.14 for “Strategic Consulting” over 2017. These payments included:

6/30/2017	\$	399.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707149066662134
7/19/2017	\$	6,406.93	http://docquery.fec.gov/cgi-bin/fecimg/?201710159075740783
9/30/2017	\$	1,544.21	http://docquery.fec.gov/cgi-bin/fecimg/?201710159075740784
11/6/2017	\$	200.00	http://docquery.fec.gov/cgi-bin/fecimg/?201711069086611622

f. Cori Bush 2018 paid Brand New Congress LLC a total of \$40,607.91 for “Strategic Consulting” over 2017. These payments included:

6/30/2017	\$	4,955.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707149066653491
6/30/2017	\$	11,863.43	http://docquery.fec.gov/cgi-bin/fecimg/?201707149066653492
7/14/2017	\$	12,870.22	http://docquery.fec.gov/cgi-bin/fecimg/?201710149075672259
8/28/2017	\$	10,919.26	http://docquery.fec.gov/cgi-bin/fecimg/?201710149075672260

g. Hector Morales for Congress paid Brand New Congress LLC a total of \$4,602.65 for “Strategic Consulting” over 2017. These payments included:

6/30/2017	\$	1,448.46	http://docquery.fec.gov/cgi-bin/fecimg/?201707159066709563
7/26/2017	\$	3,154.19	http://docquery.fec.gov/cgi-bin/fecimg/?201710149075676380

h. Hepburn for Congress paid Brand New Congress LLC a total of \$9,048.70 for “Consulting Services” over 2017. These payments included:

7/21/2017	\$	5,348.45	http://docquery.fec.gov/cgi-bin/fecimg/?201710159075741412
7/21/2017	\$	3,700.25	http://docquery.fec.gov/cgi-bin/fecimg/?201710159075741413

i. Letitia Plummer 2018 paid Brand New Congress LLC a total of \$4,565.72 for “Strategic Consulting” over 2017. These payments included:

6/30/2017	\$	907.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707149066654658
7/26/2017	\$	3,658.72	http://docquery.fec.gov/cgi-bin/fecimg/?201710149075673418

j. Paula Swearengin 2018 paid Brand New Congress LLC a total of \$33,826.87 for “Strategic Consulting” over 2017 and 2018. These payments included:

6/30/2017	\$	6,140.00	http://docquery.fec.gov/cgi-bin/fecimg/?201711080200377047
7/14/2017	\$	12,539.39	http://docquery.fec.gov/cgi-bin/fecimg/?201711080200377015
8/15/2017	\$	11,677.27	http://docquery.fec.gov/cgi-bin/fecimg/?201711080200377015
9/30/2017	\$	1,020.21	http://docquery.fec.gov/cgi-bin/fecimg/?201711080200377015
5/24/2018	\$	2,450.00	http://docquery.fec.gov/cgi-bin/fecimg/?201811029133577992

k. Perry for Pennsylvania made a single payment to Brand New Congress LLC of \$6,800.54 for “Campaign Consultant” on July 21, 2017. See <http://docquery.fec.gov/cgi-bin/fecimg/?201710159075722233>.

l. Robert Ryerse 2018 paid Brand New Congress LLC a total of \$4,590.35 for “Strategic Consulting” over 2017. These payments included:

7/19/2017	\$	2,758.35	http://docquery.fec.gov/cgi-bin/fecimg/?201710159075679956
8/15/2017	\$	1,832.00	http://docquery.fec.gov/cgi-bin/fecimg/?201710159075679957

m. Sarah Smith 2018 paid Brand New Congress LLC a total of \$8,480.65 for “Strategic Consulting” over 2017. These payments included:

6/30/2017	\$	1,791.70	http://docquery.fec.gov/cgi-bin/fecimg/?201707149066659595
7/21/2017	\$	6,688.95	http://docquery.fec.gov/cgi-bin/fecimg/?201710149075675984

51. The following chart summarizes the payments from Ocasio-Cortez and the other Involved Candidates, totaling \$173,101.92, to Brand New Congress LLC:

Candidate Committee	Total Payments to Brand New Congress LLC
Adrienne Bell 2018	\$10,536.26
AOC for Congress	\$18,880.14
Anthony Clark 2018	\$18,577.22
Chardo Richardson for Congress	\$4,034.77
Committee to Elect Ryan Stone	\$8,550.14
Cori Bush 2018	\$40,607.91
Hector Morales for Congress	\$4,602.65
Hepburn for Congress	\$9,048.70
Letitia Plummer 2018	\$4,565.72
Paula Swearengin 2018	\$33,826.87
Perry for Pennsylvania	\$6,800.54
Robert Ryerse 2018	\$4,590.35
Sarah Smith 2018	\$8,480.65

52. Despite receiving a total of only \$173,101.92 from Ocasio-Cortez and the other Involved Candidates, Brand New Congress LLC provided campaign-related services to them far in excess of that amount, likely in excess of \$1 million.

53. Rather than charging candidates the fair market value of the campaign-related services it was providing, the Chakrabarti-run Brand New Congress LLC subsidized the cost of those services through contributions from the Chakrabarti-run Brand New Congress PAC and Justice Democrats PAC, the latter of which was also controlled by Ocasio-Cortez.

a. Brand New Congress LLC impermissibly subsidized the campaigns of Ocasio-Cortez and the other Involved Candidates by providing services at rates that did not reflect an appropriate share of Brand New Congress LLC's overhead cost of the substantial infrastructure it required to be able to provide those services. By failing to amortize the cost of its overhead among the amounts it charged to Ocasio-Cortez and the other Involved Candidates, Brand New Congress LLC provided its services to them at below fair market value.

b. Brand New Congress LLC was not operated with the intent, or for the purpose, of generating a profit by providing services to Ocasio-Cortez and the other Involved Candidates. Rather, it was established to operate at a loss by failing to recover the full cost of providing its services to Ocasio-Cortez and the other Involved Candidates, ultimate leading to its termination.

54. Brand New Congress PAC, which Chakrabarti ran, disbursed a total of \$261,165.18 to Brand New Congress LLC, which Chakrabarti owned and controlled, over the course of 2017 to subsidize the cost of Brand New Congress LLC's overhead and operations and allow it to provide services to Ocasio-Cortez and the other Involved Candidates below their fair market value. Brand New Congress PAC characterized these payments as being for "Strategic Consulting" on

its FEC disclosure forms. The disbursements from Brand New Congress PAC to Brand New Congress LLC included:

1/3/2017	\$	1,408.29	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069919973
1/18/2017	\$	20,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069919973
1/27/2017	\$	5,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069919974
2/13/2017	\$	30,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069919974
2/24/2017	\$	50,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069919974
4/28/2017	\$	30,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069919975
5/2/2017	\$	40,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069919975
5/3/2017	\$	20,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069919975
5/5/2017	\$	2,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069919976
5/15/2017	\$	15,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069919976
7/28/2017	\$	32,611.00	http://docquery.fec.gov/cgi-bin/fecimg/?201801319091224561
10/10/2017	\$	12,354.90	http://docquery.fec.gov/cgi-bin/fecimg/?201801319091224561
10/24/2017	\$	2,790.99	http://docquery.fec.gov/cgi-bin/fecimg/?201801319091224561

55. Justice Democrats PAC, which Ocasio-Cortez and Chakrabarti controlled, disbursed a total of \$605,849.12 to Brand New Congress LLC, which Chakrabarti owned and controlled, over the course of 2017 to subsidize the cost of Brand New Congress LLC’s overhead and operations and allow it to provide services to Ocasio-Cortez and the other Involved Candidates below their fair market value. Justice Democrats PAC characterized these payments as being for “Strategic Consulting” on its FEC disclosure forms. The disbursements from Justice Democrats PAC to Brand New Congress LLC included:

2/18/2017	\$	60,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921050
4/7/2017	\$	60,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921051
6/14/2017	\$	129,850.58	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921052
6/1/2017	\$	60,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921052
3/10/2017	\$	60,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921051
5/5/2017	\$	60,000.00	http://docquery.fec.gov/cgi-bin/fecimg/?201707319069921051
7/14/2017	\$	43,886.00	http://docquery.fec.gov/cgi-bin/fecimg/?201811059133595029
8/14/2017	\$	39,068.00	http://docquery.fec.gov/cgi-bin/fecimg/?201811059133595029
8/31/2017	\$	82,500.00	http://docquery.fec.gov/cgi-bin/fecimg/?201811059133595029
11/1/2017	\$	2,531.00	http://docquery.fec.gov/cgi-bin/fecimg/?201811059133595030
11/14/2017	\$	8,013.54	http://docquery.fec.gov/cgi-bin/fecimg/?201811059133595030

56. Between the two of them, Brand New Congress PAC and Justice Democrats PAC funneled a total of \$867,014.30 to Brand New Congress LLC to defray its operating expenses and subsidize its provision of campaign services to Ocasio-Cortez and the other Involved Candidates far below market value, without a commercial profit motivation, and without recouping an appropriate share of its overhead and infrastructure costs from those “client” candidates.

57. Depending on its tax treatment, a single-member LLC such as Brand New Congress LLC is either prohibited from making contributions, or is subject to the contribution limits that apply to individuals (since its contributions will be attributed to its member), *see* 11 C.F.R. § 110.1(g)(4), which is \$2,700 per election to a candidate, 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b)(1); 80 FED. REG. at 5,752.

58. An entity’s provision of services to a candidate will generally be deemed at least partly an in-kind contribution if the entity operates at a loss, the entity is not operated with a commercial profit motive, payments from the candidate are insufficient to cover the entity’s costs in providing the services, and/or the rates the entity charges are lower than the ordinary and customary rates for services of that nature. *VITEL*, A.O. 1994-33, at 3-4 (Jan. 27, 1995); *see also CEC, Inc.*, A.O. 1991-32, at 10-11 (Mar. 13, 1992); *N.Y. State Democratic Comm.*, A.O. 1991-18, at 6 (July 12, 1991).

59. The difference between the fair market value of the services Brand New Congress LLC provided to Ocasio-Cortez and each of the other Involved Candidates, and the amount Ocasio-Cortez and the other Involved Candidates each paid for those services, constitutes an in-kind contribution from Brand New Congress LLC to Ocasio-Cortez and/or each of the Involved Candidates. *See* 11 C.F.R. § 100.52(d)(1).

60. Brand New Congress LLC was operating at a loss and was able to provide services to Ocasio-Cortez and the other Involved Candidates only through continued infusions of cash from the PACs Ocasio-Cortez and Chakrabarti were controlling. Mitrani admitted Brand New Congress LLC's "efforts to provide services for a national campaign were not sustainable," and the company ceased operations in August 2017. *See* Exhibit 1 at 3.

61. Brand New Congress LLC collected a total of only \$173,101.92 from Ocasio-Cortez and the other Involved Candidates but, relying on the \$867,014.30 in payments from Brand New Congress PAC and Justice Democrats PAC, provided campaign-related services to them with a fair market value of up to \$1,040,116.22.

62. By providing campaign-related services to Ocasio-Cortez and the other Involved Candidates at below fair market value, without a profit motivation, and without charging an appropriate share of its overhead and infrastructure costs, Brand New Congress LLC made excessive, and possibly prohibited, unreported in-kind contributions to them.

63. By funneling funds to Brand New Congress LLC to defray the cost of its campaign-related services for Ocasio-Cortez and the other Involved Candidates, Brand New Congress PAC and Justice Democrats PAC made excessive, unreported contributions to Ocasio-Cortez and the Involved Candidates.

64. Ocasio-Cortez and the Involved Candidates accepted excessive or illegal in-kind contributions from Brand New Congress LLC, Brand New Congress PAC, and Justice Democrats PAC, and did not properly report them.

65. Through this complex web of shadowy entities, Ocasio-Cortez and Chakrabarti ensured the flow of hundreds of thousands of dollars of unreported, illegal, dark-money contributions to aid the campaigns of Ocasio-Cortez and other far-left Progressive Democrats.

a. The public statement Justice Democrats PAC released on May 8, 2018, *see supra* ¶ 48(a), admitted its “entire staff” operated and provided services to campaigns from “within” Brand New Congress LLC. Exhibit 2. Justice Democrats PAC explained, “[W]e put all our staff in that LLC and had it act as the vendor for both [Justice Democrats] PAC and all the candidates.” *Id.* In September 2017, it then decided to “move our staff from the LLC [back] onto Justice Democrats PAC.” *Id.*

b. Justice Democrats PAC and Brand New Congress LLC were alter egos, operating with the same staff and subject to the same control. Justice Democrats PAC’s statement explains, “[M]any of the founding members of Justice Democrats also helped start Brand New Congress in April of 2016.” Exhibit 2. Chakrabarti was the sole member of Brand New Congress LLC and the Executive Director, a Board Member, and co-founder of Justice Democrats PAC.

c. Justice Democrats pumped \$605,849.12 into Brand New Congress LLC, allowing it to make over a half-million dollars’ worth of expenditures to support far-left progressive Democrat candidates without having to publicly disclose the nature, amounts, or purposes of those disbursements. *See supra* ¶ 55.

CAUSES OF ACTION¹

COUNT I

Against Justice Democrats PAC

Failure to Register as an Authorized Committee

in Violation of 52 U.S.C. § 30103(b)(5) and 11 C.F.R. § 102.2(a)(1)(v)

66. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

67. A committee that may “receive contributions or make expenditures on behalf of [a] candidate” is an “authorized committee.” 52 U.S.C. § 30101(6).

68. Ocasio-Cortez and her campaign manager, Chakrabarti, controlled Justice Democrats PAC at least from December 2017 through June 2018, and Chakrabarti served as its Executive Director for even longer.

69. Ocasio-Cortez and Chakrabarti directed Justice Democrats PAC to make expenditures, including but not limited to disbursements to Brand New Congress LLC, to benefit Ocasio-Cortez.

70. Even though Justice Democrats PAC qualified and was operated as an authorized committee for Ocasio-Cortez, it did not register as such.

71. 52 U.S.C. § 30103(b)(5) and 11 C.F.R. § 102.2(a)(1)(v) specify a political committee’s statement of organization must specify “the name, address, office sought, and party affiliation” of a candidate who authorizes it.

¹ The most significant causes of action are Counts VI, X, XI, XIII, XIV, XVIII, and XIX.

Counts I-VII apply if the Commission concludes Justice Democrats PAC operated, and should have been officially designated, as an authorized committee of Ocasio-Cortez.

Counts VIII-X apply if the Commission concludes Justice Democrats PAC operated, and should have been officially designated as, an unauthorized leadership PAC of Ocasio-Cortez.

Counts XI-XII apply regardless of whether Justice Democrats PAC operated, and should have been officially designated as, an unauthorized leadership PAC of Ocasio-Cortez, or instead was properly registered as an unauthorized PAC.

Counts XIII-XXI do not depend at all on Justice Democrats PAC’s status.

72. Justice Democrats PAC violated 52 U.S.C. § 30103(b)(5) and 11 C.F.R. § 102.2(a)(1)(v) by failing to register as an authorized committee of Ocasio-Cortez.

WHEREFORE Justice Democrats PAC violated 52 U.S.C. § 30103(b)(5) and 11 C.F.R. § 102.2(a)(1)(v).

COUNT II
Against Justice Democrats PAC and AOC for Congress
Failure to Identify Affiliated Committees on Registration Statements
in Violation of 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(1)(ii)

73. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

74. Justice Democrats PAC was an authorized committee of Ocasio-Cortez. *See supra* ¶¶ 68-69.

75. As an authorized committee of Ocasio-Cortez, Justice Democrats PAC was deemed affiliated with her other authorized committees, including her principal campaign committee, AOC for Congress. 11 C.F.R. § 100.5(g)(1).

76. A political committee's registration form is required to identify all other committees with which it is affiliated. 52 U.S.C. § 30103(b)(2); *accord* 11 C.F.R. § 102.2(a)(1)(ii).

77. Justice Democrats PAC violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.02(a)(1)(ii) by failing to identify AOC for Congress (under either its current or previous names) as an affiliated committee.

78. AOC for Congress violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.02(a)(1)(ii) by failing to identify Justice Democrats PAC as an affiliated committee.

WHEREFORE Justice Democrats PAC and AOC for Congress violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(1)(ii).

COUNT III
Against Justice Democrats PAC
Failure to Include Candidate Name in Name of Authorized Political Committee
in Violation of 52 U.S.C. § 30102(e)(4) and 11 C.F.R. § 102.14(a)

79. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

80. Justice Democrats PAC was an authorized committee of Ocasio-Cortez. *See supra* ¶¶ 68-69.

81. As an authorized committee of Ocasio-Cortez, Justice Democrats PAC was required to adopt a name that included her name. 52 U.S.C. § 30102(e)(4); 11 C.F.R. § 102.14(a).

82. Justice Democrats PAC did not include a reference to Ocasio-Cortez in its name. WHEREFORE Justice Democrats PAC violated 52 U.S.C. § 30102(e)(4) and 11 C.F.R. § 102.14(a).

COUNT IV
Against Ocasio-Cortez
Failure to File Written Notification of Political Committee Authorization
in Violation of 52 U.S.C. § 30102(e)(1), (f)(2), (g) and 11 C.F.R. §§ 102.1(a), 102.13(a)(1)

83. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

84. Justice Democrats PAC was an authorized committee of Ocasio-Cortez. *See supra* ¶¶ 68-69.

85. When a candidate decides to use authorized committees in addition to her principal campaign committee, she must designate such additional authorized committees in writing and file the designation with her principal campaign committee, 52 U.S.C. § 30102(e)(1); *accord* 11 C.F.R. § 102.13(a)(1), which in turn must file it with the FEC, 52 U.S.C. § 30102(f)(2), (g); *accord* 11 C.F.R. § 102.1(a).

86. Ocasio-Cortez did not file a written designation of Justice Democrats PAC as an authorized committee.

WHEREFORE Ocasio-Cortez violated 52 U.S.C. § 30102(e)(1), (f)(2), (g) and 11 C.F.R. §§ 102.1(a), 102.13(a)(1).

COUNT V
Against Justice Democrats PAC
Authorized Committee Supporting Multiple Candidates
in Violation of 52 U.S.C. § 30102(e)(3)(A) and 11 C.F.R. § 102.13(c)(1)

87. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

88. Justice Democrats PAC was an authorized committee of Ocasio-Cortez. *See supra* ¶¶ 68-69.

89. A candidate's authorized committee, with certain irrelevant exceptions, may not support other candidates. 52 U.S.C. § 30102(e)(3)(A); *accord* 11 C.F.R. § 102.13(c)(1).

90. Justice Democrats PAC supported numerous far-left progressive Democratic candidates in addition to Ocasio-Cortez.

91. The funds Justice Democrats PAC provided to Brand New Congress LLC were used in part to defray the campaign expenses not only of Ocasio-Cortez, but other far-left progressive Democratic candidates.

WHEREFORE Justice Democrats PAC violated 52 U.S.C. § 30102(e)(3)(A) and 11 C.F.R. § 102.13(c)(1).

COUNT VI
Against Ocasio-Cortez, Chakrabarti, AOC for Congress, and Justice Democrats PAC
Illegal Political Contributions in Excess of Limits
in Violation of 52 U.S.C. § 30116(a)(1)(A), (a)(2)(A), (f)
and 11 C.F.R. §§ 110.1(b)(1), 110.2(b)(1)

92. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

93. Justice Democrats PAC was an authorized committee of Ocasio-Cortez. *See supra* ¶¶ 68-69.

94. All of a candidate's authorized committees are deemed to be affiliated with each other, 11 C.F.R. § 100.5(g)(1), and are therefore subject to a single, shared contribution limit, 11 C.F.R. § 110.3(a).

95. AOC for Congress and Justice Democrats PAC were subject to a single shared contribution limit of \$2,700 per person in connection with each election in 2018. 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b)(1); 80 FED. REG. at 5,752.

96. AOC for Congress and Justice Democrats PAC were subject to a single shared contribution limit of \$5,000 per multicandidate PAC in connection with each election in 2018. 52 U.S.C. § 30116(a)(2)(A); 11 C.F.R. § 110.2(b)(1).

97. AOC for Congress and Justice Democrats PAC accepted total contributions on behalf of Ocasio-Cortez from Chakrabarti exceeding \$2,700 per election. *See supra* ¶ 25.

WHEREFORE Ocasio-Cortez, Chakrabarti, AOC for Congress, and Justice Democrats PAC violated 52 U.S.C. § 30116(a)(1)(A), (a)(2)(A), (f), and 11 C.F.R. §§ 110.1(b)(1), 110.2(b)(1)

COUNT VII
Against Justice Democrats PAC
Violating Disclaimer Requirements for Affiliated Committees
in Violation of 52 U.S.C. § 30120(a)(1), (d)(1); 11 C.F.R. § 110.11(b)(1), (c)(2)-(c)(3)

98. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

99. Justice Democrats PAC was an authorized committee of Ocasio-Cortez. *See supra* ¶¶ 68-69.

100. When an authorized committee funds general public political advertising, express advocacy for or against a candidate, solicitations, or electioneering communications, it must include a disclaimer “clearly stat[ing] that the communication has been paid for by such authorized committee.” 52 U.S.C. § 30120(a)(1), (d)(1); 11 C.F.R. § 110.11(b)(1), (c)(2)-(c)(3).

101. Justice Democrats PAC did not expressly state it was an authorized committee of Ocasio-Cortez in any of its statutorily required disclaimers, including on its web pages soliciting contributions or expressly advocating the election of Ocasio-Cortez and other far-left progressive Democratic candidates.

WHEREFORE Justice Democrats PAC violated 52 U.S.C. § 30120(a)(1), (d)(1) and 11 C.F.R. § 110.11(b)(1), (c)(2)-(c)(3).

COUNT VIII
Against Justice Democrats PAC
Failure to Register as a Leadership PAC
in Violation of 52 U.S.C. § 30103(b)(1) and 11 C.F.R. § 102.2(a)(1)(i)

102. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

103. In the event the Commission determines Justice Democrats PAC was not, and neither operated nor should have been designated as an authorized committee of Ocasio-Cortez, it should conclude Justice Democrats PAC was an unauthorized leadership PAC of Ocasio-Cortez.

104. If a PAC is not authorized by a candidate, then it is deemed unauthorized. 11 C.F.R. § 100.5(f).

105. If an unauthorized PAC is “directly or indirectly established, financed, maintained, or controlled by a candidate for Federal office,” it constitutes a leadership PAC. 11 C.F.R. § 100.5(e)(6).

106. Ocasio-Cortez and Chakrabarti controlled Justice Democrats PAC through both their control of its board, as well as Chakrabarti’s dual role as Ocasio-Cortez’s campaign manager and Justice Democrats PAC’s Executive Director.

107. Justice Democrats PAC constituted a leadership PAC of Ocasio-Cortez.

108. A committee’s statement of organization must specify, among other things, the “type of committee” it is on its Statement of Organization and identify any sponsoring candidate or officeholder. 52 U.S.C. § 30103(b)(1); *accord* 11 C.F.R. § 102.2(a)(1)(i).

109. Neither Justice Democrats PAC’s original statement of organization, nor any subsequent amendments, specified it is a leadership PAC for Ocasio-Cortez.

WHEREFORE Justice Democrats PAC violated 52 U.S.C. § 30103(b)(1) and 11 C.F.R. § 102.2(a)(1)(i).

COUNT IX
Against Justice Democrats PAC
Leadership PAC Supporting Candidate Who Created It
in Violation of 52 U.S.C. § 30101(6) and 11 C.F.R. §§ 100.5(e)(6), (f)(1), 102.13(a)(1)

110. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

111. Justice Democrats PAC was a leadership PAC of Ocasio-Cortez. *See supra* ¶¶ 103-07.

112. An authorized committee is a committee a candidate specially designates to make expenditures on his or her behalf. 52 U.S.C. § 30101(6); 11 C.F.R. §§ 100.5(f)(1), 102.13(a)(1). Leadership PACs must be unauthorized, 11 C.F.R. § 100.5(e)(6), meaning they may not make expenditures on behalf of the candidate who created it.

113. Justice Democrats PAC made expenditures on behalf of Ocasio-Cortez despite being an unauthorized leadership PAC of hers. Specifically, it disbursed up to \$605,849.42 to Brand New Congress LLC to subsidize and defray most of the cost of the campaign services Brand New Congress LLC was providing to Ocasio-Cortez and AOC for Congress.

114. The amounts Justice Democrats PAC disbursed to Brand New Congress LLC to provide campaign services on behalf of and in support of Ocasio-Cortez, up to \$605,849.42, far exceeded the \$41,818.44 in total funds AOC for Congress disbursed to Justice Democrats PAC. The amount of Justice Democrats PAC's disbursements on behalf and in support of Ocasio-Cortez that exceeded the amount she paid to Justice Democrats PAC constitutes an in-kind contribution from Justice Democrats PAC to Ocasio-Cortez.

WHEREFORE Justice Democrats PAC violated 52 U.S.C. § 30101(6) and 11 C.F.R. §§ 100.5(e)(6), (f)(1), 102.13(a)(1).

COUNT X

**Against Ocasio-Cortez, AOC for Congress, and Justice Democrats PAC
for Coordinated Expenditures by Justice Democrats PAC Constituting Illegal
Excessive In-Kind Contributions from Justice Democrats PAC to AOC for Congress
in Violation of 52 U.S.C. § 30116(a)(2)(A), (f) and 11 C.F.R. § 110.2(b)(1)**

115. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

116. Justice Democrats PAC was a leadership PAC of Ocasio-Cortez. *See supra* ¶¶ 103-07.

117. Justice Democrats PAC made coordinated expenditures with AOC for Congress to benefit and further Ocasio-Cortez's congressional campaign.

118. An expenditure by a political committee that is coordinated with a candidate (*i.e.*, a "coordinated expenditure") is deemed to be an in-kind contribution from the political committee to the candidate. 52 U.S.C. § 30116(a)(7)(B)(i); 11 C.F.R. §§ 109.20(b), 109.21(a).

119. From approximately December 2017 through June 2018, Ocasio-Cortez and Chakrabarti controlled Justice Democrats PAC by occupying two of the entity's three board seats, as well as through Chakrabarti's status as its Executive Director.

120. Chakrabarti was also assisting AOC for Congress and served as Ocasio-Cortez's campaign manager.

121. Justice Democrats PAC and AOC for Congress were both simultaneously under the control of Ocasio-Cortez and Chakrabarti.

122. Any expenditures or communications made by Justice Democrats PAC, particularly ones relating to Ocasio-Cortez's campaign, must therefore be deemed coordinated with AOC for Congress.

123. While under the control of Ocasio-Cortez and Chakrabarti, Justice Democrats PAC made expenditures in support of Ocasio-Cortez's campaign. Specifically, Justice Democrats PAC paid \$605,849.42 to Brand New Congress LLC to provide campaign services for AOC for Congress and other far-left progressive Democrats.

124. Some or all of the \$605,849.42 total payments Justice Democrats PAC made to Brand New Congress LLC to provide campaign services to Ocasio-Cortez must be deemed coordinated expenditures with, and therefore in-kind contributions to, AOC for Congress.

125. A political committee such as Justice Democrats PAC may contribute no more than \$5,000 per election to a candidate. 52 U.S.C. § 30116(a)(2)(A); 11 C.F.R. § 110.2(b)(1).

126. The value of Justice Democrats PAC's coordinated expenditures / in-kind contributions to AOC for Congress exceeded \$5,000.

127. 52 U.S.C. § 30116(f) prohibits a candidate such as Ocasio-Cortez from knowingly accepting excessive campaign contributions.

128. Ocasio-Cortez knowingly accepted in-kind contributions from Justice Democrats PAC, which made such contributions while subject to the control of Ocasio-Cortez and Chakrabarti.

WHEREFORE Justice Democrats PAC violated 52 U.S.C. § 30116(a)(2)(A) and 11 C.F.R. § 110.2(b)(1), and Ocasio-Cortez and AOC for Congress violated 52 U.S.C. § 30116(f).

COUNT XI

**Against Ocasio-Cortez, AOC for Congress, and Justice Democrats PAC
for Excessive In-Kind Contributions from Justice Democrats PAC to AOC for Congress
in Violation of 52 U.S.C. § 30116(a)(2)(A), (f) and 11 C.F.R. § 110.2(b)(1)**

129. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

130. AOC for Congress paid Justice Democrats PAC a total of \$41,818.44 for “campaign services,” “strategic consulting,” and other campaign-related services. *See supra* ¶ 37.

131. Justice Democrats PAC paid \$605,849.42 to Brand New Congress LLC to provide campaign services for AOC for Congress and other far-left progressive Democrats. *See supra* ¶ 38. The portion of Justice Democrats PAC's payment to Brand New Congress LLC to provide

campaign-management and other campaign-related services for AOC for Congress far exceeded the \$41,818.44 AOC for Congress paid Justice Democrats PAC.

132. Justice Democrats PAC, on its own and by subcontracting with Brand New Congress LLC, provided far more than \$41,818.44 in campaign-management and other campaign-related services to AOC for Congress, even though AOC for Congress paid it only \$41,818.44.

133. The difference between the amount AOC for Congress paid Justice Democrats PAC (\$41,818.44) and the fair market value of the services Justice Democrats PAC provided to AOC for Congress—both directly, as well as by subcontracting with Brand New Congress LLC to provide those services—constituted an in-kind contribution from Justice Democrats PAC to AOC for Congress. *See* 11 C.F.R. § 100.52(d)(1).

134. Ocasio-Cortez’s campaign manager, Chakrabarti, was on all sides of all of these transactions. He created, owned, and/or controlled all of the entities involved. He operated these entities as a shell game to evade contribution limits and provide heavily subsidized services at well below market value to AOC for Congress without a commercial profit motivation and without seeking to recover an appropriate share of the entities’ overhead or infrastructure costs.

135. A political committee such as Justice Democrats PAC may contribute no more than \$5,000 per election to a candidate. 52 U.S.C. § 30116(a)(2)(A); 11 C.F.R. § 110.2(b)(1).

136. The value of Justice Democrats PAC’s in-kind contributions to AOC for Congress exceeded \$5,000.

137. 52 U.S.C. § 30116(f) prohibits a candidate such as Ocasio-Cortez from knowingly accepting excessive campaign contributions.

138. Ocasio-Cortez knowingly accepted in-kind contributions from Justice Democrats PAC.

WHEREFORE Justice Democrats PAC violated 52 U.S.C. § 30116(a)(2)(A) and 11 C.F.R. § 110.2(b)(1), and Ocasio-Cortez and AOC for Congress violated 52 U.S.C. § 30116(f).

COUNT XII
Against Ocasio-Cortez, AOC for Congress, and Justice Democrats PAC
for Failure to Report In-Kind Contributions
from Justice Democrats PAC to AOC for Congress
in violation of 52 U.S.C. § 30104(b), 11 C.F.R. §§ 100.52(d)(1), 104.3(a)(3)-(4), (b), (c)(2)

139. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

140. Justice Democrats PAC provided in-kind contributions to AOC for Congress by:

a. Making expenditures for the benefit of Ocasio-Cortez while it was subject to the control of Ocasio-Cortez and Chakrabarti, who also ran Ocasio-Cortez’s campaign and AOC for Congress, *see supra* Count X, ¶¶ 119-24, and/or

b. Providing campaign-management and other campaign-related services to Ocasio-Cortez, and making expenditures in support of Ocasio-Cortez’s campaign—including disbursements to Brand New Congress LLC to subsidize the provision of campaign-management and campaign-related services to AOC for Congress—in amounts that exceeded the amount AOC for Congress paid Justice Democrats PAC for providing those services, *see supra* Count XI, ¶¶ 130-33.

141. Justice Democrats PAC did not report making any of these in-kind contributions (including the dates and amounts of these contributions) to the FEC, either as itemized entries on its reports or as part of its overall totals. *See* 52 U.S.C. § 30104(b)(4)(H)(i), (b)(6)(B)(i); *id.* 11 C.F.R. §§ 100.52(d)(1), 104.3(b)(1)(v), (b)(3)(v).

142. AOC for Congress neither reported receiving any of these in-kind contributions (including the dates and amounts of these contributions), nor reported Justice Democrats PAC’s

coordinated expenditures as its own expenditures, either as itemized entries on its reports or as part of its overall totals. *See* 52 U.S.C. § 30104(b)(2)(D), (b)(3)(B), (b)(4)(A), (b)(5)(A); *id.* 11 C.F.R. §§ 100.52(d)(1), 104.3(a)(3)(iv), (a)(4)(ii), (b)(2)(i)(A), (b)(4)(i), (c)(2)(i), (c)(2)(iii).

WHEREFORE Justice Democrats PAC violated 52 U.S.C. §§ 30104(b), as well as 11 C.F.R. §§ 100.52(d)(1), 104.3(b)(1), (b)(3); and Ocasio-Cortez and AOC for Congress violated 52 U.S.C. §§ 30104(b), 30116(a)(7)(C)(ii), as well as 11 C.F.R. §§ 100.52(d)(1), 104.3(a)(3)-(4), (b)(2), (b)(4), (c)(2).

COUNT XIII

**Against Brand New Congress LLC, Ocasio-Cortez, and AOC for Congress
for Coordinated Expenditures by Brand New Congress LLC Constituting Illegal
Excessive In-Kind Contributions from Brand New Congress LLC to AOC for Congress
in Violation of 52 U.S.C. § 30116(a)(1)(A), (a)(7)(B)(i), (f)
and 11 C.F.R. §§ 109.20(b), 109.21(a), 110.1(b)(1), (g)(4)**

143. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

144. Brand New Congress LLC made coordinated expenditures with AOC for Congress to benefit and further Ocasio-Cortez’s congressional campaign.

145. An expenditure by a person that is coordinated with a candidate (*i.e.*, a “coordinated expenditure”) is deemed to be an in-kind contribution from that person to the candidate. 52 U.S.C. § 30116(a)(7)(B)(i); 11 C.F.R. §§ 109.20(b), 109.21(a).

146. Chakrabarti was the founder and sole member of Brand New Congress LLC. He simultaneously assisted AOC for Congress and served as Ocasio-Cortez’s campaign manager.

147. The purpose of Brand New Congress LLC was to run candidates’ campaigns for them. *See supra* ¶ 48.

148. AOC for Congress paid Brand New Congress LLC a total of \$18,880.14 for “Strategic Consulting” over 2017. *See supra* ¶ 50(b).

149. AOC for Congress also paid Justice Democrats PAC a total of \$41,818.44 for strategic consulting and other campaign services. *See supra* ¶ 37. Justice Democrats PAC subcontracted most or all of that work to Brand New Congress LLC, to run Ocasio-Cortez's campaign. *See supra* ¶ 38.

150. Any of Brand New Congress LLC's expenditures relating to Ocasio-Cortez or made in connection with her campaign must be deemed coordinated with Ocasio-Cortez and/or AOC for Congress due to:

- a. Chakrabarti's control of both Brand New Congress LLC and AOC for Congress;
- b. Brand New Congress LLC's responsibility of running Ocasio-Cortez's campaign and providing campaign staff and management for AOC for Congress; and
- c. Brand New Congress LLC's role as a common vendor both for AOC for Congress, as well as for Justice Democrats PAC's expenditures in support of AOC for Congress.

151. Because Chakrabarti formed and operates Brand New Congress LLC as a dark-money organization operating without public disclosure to undermine federal campaign finance law, it is impossible to determine at this point how much it spent on coordinated expenditures with AOC for Congress.

152. Depending on its tax treatment, a single-member LLC such as Brand New Congress LLC is either prohibited from making contributions, or is subject to the contribution limits that apply to individuals (since its contributions will be attributed to its sole member), *see* 11 C.F.R. § 110.1(g)(4), which is \$2,700 per election to a candidate, 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b)(1); 80 FED. REG. at 5,752.

153. The value of Brand New Congress LLC's coordinated expenditures with AOC for Congress exceeded \$2,700.

154. 52 U.S.C. § 30116(f) prohibits a candidate such as Ocasio-Cortez from knowingly accepting excessive campaign contributions.

155. Ocasio-Cortez and AOC for Congress knowingly accepted in-kind contributions from Brand New Congress LLC.

WHEREFORE Brand New Congress LLC violated 52 U.S.C. § 30116(a)(1)(A), (a)(7)(B)(i), and 11 C.F.R. §§ 109.20(b), 109.21(a), 110.1(b)(1), (g)(4), and Ocasio-Cortez and AOC for Congress violated 52 U.S.C. §§ 30116(a)(7)(B)(i), (f).

COUNT XIV

Against Brand New Congress LLC, Ocasio-Cortez, and AOC for Congress for Excessive In-Kind Contributions from Brand New Congress LLC to AOC for Congress in Violation of 52 U.S.C. § 30116(a)(1)(A), (f) and 11 C.F.R. §§ 100.52(d)(1), 110.1(b)(1), (g)(4)

156. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

157. AOC for Congress paid Brand New Congress LLC a total of \$18,880.14 for “campaign services,” “strategic consulting,” and other campaign-related services. *See supra* ¶ 50(b). AOC and the other Involved Candidates together paid Brand New Congress LLC a total of \$173,101.92 to provide campaign services and run their campaigns. *See supra* ¶¶ 50-51.

158. Justice Democrats PAC, which Chakrabarti and Ocasio-Cortez controlled, paid a total of \$605,849.42 to Brand New Congress LLC primarily or exclusively to provide campaign services for, and run the campaigns of, Ocasio-Cortez and the other Involved Candidates. *See supra* ¶ 38.

159. Brand New Congress PAC, which Chakrabarti controlled, paid a total of \$261,165.18 to Brand New Congress LLC primarily or exclusively to provide campaign services for, and run the campaigns of, Ocasio-Cortez and the other Involved Candidates. *See supra* ¶ 54.

160. Relying on these infusions totaling \$867,014.60—as well as quite likely additional dark money funds Chakrabarti engineered—Brand New Congress LLC provided campaign services to Ocasio-Cortez and the other Involved candidates with a market value that far exceeded the \$173,101.92 they paid Brand New Congress LLC. The fair market value of the services Brand New Congress LLC provided Ocasio-Cortez and the other Involved Candidates likewise exceeded the total amount Brand New Congress LLC received from them, even taking into account amounts those candidates paid to Brand New Congress LLC indirectly through Chakrabarti-controlled intermediaries such as Justice Democrats PAC.

161. The difference between the amount Ocasio-Cortez and the other Involved Candidates paid Brand New Congress LLC—either directly or indirectly through other Chakrabarti-controlled entities such as Justice Democrats PAC—and the fair market value of the services Brand New Congress LLC provided to them—constituted in-kind contributions from Brand New Congress LLC to Ocasio-Cortez and the other Involved Candidates. 11 C.F.R. § 100.52(d)(1).

162. Ocasio-Cortez's campaign manager, Chakrabarti, was on all sides of all of these transactions. He created, owned, and/or controlled all of the entities involved. He operated these entities as a shell game to evade contribution limits and provide heavily subsidized services at well below market value to Ocasio-Cortez and the other Involved Candidates and without a commercial profit motivation.

163. Depending on its tax treatment, a single-member LLC such as Brand New Congress LLC is either prohibited from making contributions, or is subject to the contribution limits that apply to individuals (since its contributions will be attributed to its sole member, Chakrabarti), *see* 11 C.F.R. § 110.1(g)(4), which is \$2,700 per election to a candidate, 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b)(1); 80 FED. REG. at 5,752.

164. Brand New Congress LLC's provided more than \$2,700 worth of uncompensated services to Ocasio-Cortez, and quite likely to each of the other Involved Candidates, as well.

165. 52 U.S.C. § 30116(f) prohibits a candidate such as Ocasio-Cortez from knowingly accepting excessive campaign contributions.

166. Ocasio-Cortez knowingly accepted in-kind contributions from Brand New Congress LLC.

WHEREFORE Brand New Congress LLC violated 52 U.S.C. § 30116(a)(1)(A), and 11 C.F.R. §§ 100.52(d)(1), 110.1(b)(1), (g)(4), and Ocasio-Cortez and AOC for Congress violated 52 U.S.C. §§ 30116(a)(1)(A), (f).

COUNT XV
Against Brand New Congress LLC
for Failure to Register as a Political Committee
in Violation of 52 U.S.C. § 30103(a) and 11 C.F.R. § 102.1(a)

167. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

168. A “political committee” is “any . . . group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year.” 52 U.S.C. § 30101(4)(A); *accord* 11 C.F.R. § 100.5(a).

169. A committee is required to register with the FEC within 10 days after meeting the statutory criteria. 52 U.S.C. § 30103(a); *accord* 11 C.F.R. § 102.1(a).

170. Brand New Congress LLC received \$605,849.42 from Justice Democrats PAC that wholly or partly constituted contributions. *See supra* ¶ 38. Justice Democrats PAC provided those funds to have Brand New Congress LLC run the campaigns and provide other campaign-related services to Ocasio-Cortez and the other Involved Candidates at prices far below fair market value.

171. Brand New Congress LLC received \$261,165.18 from Brand New Congress PAC that wholly or partly constituted contributions. *See supra* ¶ 54. Brand New Congress PAC provided those funds to have Brand New Congress LLC run the campaigns and provide other campaign-related services to Ocasio-Cortez and the other Involved Candidates at prices far below fair market value.

172. Brand New Congress LLC made over \$1,000 in expenditures because the fair market value of the services it provided to Ocasio-Cortez and each of the other Involved Candidates exceeded the amounts each of those candidates paid Brand New Congress LLC by over \$1,000 each.

173. Chakrabarti did not register Brand New Congress LLC, but rather operated it as a dark-money entity shielded from public view.

WHEREFORE, Brand New Congress LLC violated 52 U.S.C. § 30103(a) and 11 C.F.R. § 102.1(a).

COUNT XVI

**Against Brand New Congress PAC and Brand New Congress LLC
Failure to Identify Affiliated Committees on Registration Statements
in Violation of 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(1)(ii)**

174. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

175. Brand New Congress LLC was affiliated with Brand New Congress PAC because both committees were established, financed, maintained, or controlled by Chakrabarti. 11 C.F.R. § 100.5(g)(2).

176. A political committee's registration form is required to identify all other committees with which it is affiliated. 52 U.S.C. § 30103(b)(2); *accord* 11 C.F.R. § 102.2(a)(1)(ii).

177. Brand New Congress PAC violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.02(a)(1)(ii) by failing to identify Brand New Congress LLC as an affiliated committee.

178. Brand New Congress LLC violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.02(a)(1)(ii) by failing to identify Brand New Congress PAC as an affiliated committee.

WHEREFORE Brand New Congress PAC and Brand New Congress LLC violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(1)(ii).

COUNT XVII
Against Brand New Congress LLC
Violating Disclaimer Requirements
in Violation of 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11(c)

179. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

180. Brand New Congress LLC was a political committee, despite failing to register as such. *See supra* ¶¶ 168-73.

181. All political committees must include disclaimers on communications containing express advocacy, solicitations, and electioneering communications. 52 U.S.C. § 30120(a).

182. Brand New Congress LLC did not include statutorily required disclaimers on any express advocacy, solicitations, or electioneering communications it funded or subsidized.

WHEREFORE, Brand New Congress LLC violated 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11(c).

COUNT XVIII
Against Brand New Congress LLC
for Failure to File Public Disclosure Reports
in Violation of 52 U.S.C. § 30104(a)(4) and 11 C.F.R. § 104.5(c)

183. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

184. Brand New Congress LLC qualified as a political committee. *See supra* ¶¶ 168-73 (Count XV).

185. Because it qualified as a political committee, Brand New Congress LLC was required to file periodic public disclosure reports concerning its receipts and disbursements with the FEC. *See* 52 U.S.C. § 30104(a)(4); 11 C.F.R. § 104.5(c).

186. Brand New Congress LLC did not file any statutorily required reports with the FEC, but instead operated in the shadows as a dark-money entity with its illegal financial activities shielded from public scrutiny.

WHEREFORE Brand New Congress LLC repeatedly violated 52 U.S.C. § 30104(a)(4) and 11 C.F.R. § 104.5(c).

COUNT XIX
Against Justice Democrats PAC, Brand New Congress LLC, and Saikat Chakrabarti
for Engaging in Shell Transactions to Avoid Public Reporting
in Violation of 52 U.S.C. § 30104(a)(4) and 11 C.F.R. § 104.5(c)

187. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

188. Brand New Congress LLC was an alter ego of Justice Democrats PAC.

189. Saikat Chakrabarti controlled Justice Democrats PAC. He was the Executive Director of Justice Democrats PAC and, along with Ocasio-Cortez (for whom he served as campaign manager) he controlled a majority of Justice Democrats PAC's board.

190. Chakrabarti also controlled Brand New Congress LLC. He was its founder and sole member.

191. Justice Democrats PAC publicly admitted that it designated its “entire staff” to work and provide services to campaigns from “within” Brand New Congress LLC. Exhibit 2. Justice Democrats explained, “[W]e put all our staff in that LLC and had it act as the vendor for both [Justice Democrats] PAC and all the candidates.” *Id.*

192. Justice Democrats PAC transferred \$605,849.42 to Brand New Congress LLC to pay Justice Democrats PAC’s staff (cross-designated as Brand New Congress LLC employees) to run the campaigns and provide other campaign-related services without a commercial profit motivation at below market prices to the candidates Justice Democrats PAC supported.

193. Justice Democrats PAC and Brand New Congress LLC were the same group of people, under the same control, seeking to achieve the same goals. By transferring \$605,849.42 from its account to Brand New Congress LLC, Justice Democrats PAC allowed those funds to be spent without any public reporting or accountability.

194. As the mastermind at the heart of this enterprise, Chakrabarti was on all sides of all of these transactions. His PAC raised funds which it paid to his LLC to provide services at below market prices to the candidate, Ocasio-Cortez, for whom he served as campaign manager and who had made disbursements to both his PAC and LLC, as well as the other Involved Candidates. Ocasio-Cortez has since appointed Chakrabarti the Chief of Staff of her congressional office.

195. Neither Justice Democrats PAC nor Brand New Congress LLC filed any public disclosure reports about the manner in which Brand New Congress LLC spent funds, including the funds it received from Justice Democrats PAC, in support of Ocasio-Cortez and the other Involved Candidates.

WHEREFORE Brand New Congress LLC, Justice Democrats PAC, and Chakrabarti repeatedly violated 52 U.S.C. § 30104(a)(4) and 11 C.F.R. § 104.5(c).

COUNT XX
Against Justice Democrats PAC
for Accepting Illegal Contributions in Excess of Limits
in Violation of 52 U.S.C. § 30116(a)(1)(C), (f) and 11 C.F.R. § 110.1(d)

196. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

197. Justice Democrats PAC was subject to an annual contribution limit of \$5,000 per person. 52 U.S.C. § 30116(a)(1)(C); 11 C.F.R. § 110.1(d).

198. Contributions made by a person to a conduit or intermediary political committee that are earmarked for another political committee are treated as contributions directly from that person to the ultimate recipient committee, rather than to the conduit or intermediary, so long as the conduit or intermediary lacks control over the earmarked funds. 11 C.F.R. § 102.8(c).

199. In 2018, Buck Arden contributed a total of \$7,500 to Justice Democrats PAC, exceeding the \$5,000 annual limit on contributions from individuals to multicandidate PACs.

a. On January 24, 2018, he made a \$1,000 contribution to ActBlue earmarked for Justice Democrats PAC.

b. On March 7, 2018, he made a \$4,000 contribution to ActBlue earmarked for Justice Democrats PAC.

c. On March 30, 2018, he also made an additional \$2,500 contribution to ActBlue earmarked for Justice Democrats PAC.

200. In 2018, Kamilka Malwatte contributed a total of \$5,500 to Justice Democrats PAC, exceeding the \$5,000 annual limit on contributions from individuals to multicandidate PACs.

a. On February 27, 2018, she made a \$5,000 contribution to Justice Democrats PAC.

b. On August 30, 2018, she also made an additional \$500 contribution to ActBlue earmarked for Justice Democrats PAC.

201. Justice Democrats PAC did not refund any excessive amounts to Arden or Malwatte.

WHEREFORE Justice Democrats PAC accepted illegal excessive unrefunded contributions in violation of 52 U.S.C. § 30116(a)(1)(C), (f) and 11 C.F.R. § 110.1(d).

COUNT XXI
Against AOC for Congress
for Accepting Illegal Contributions in Excess of Limits
in Violation of 52 U.S.C. § 30116(a)(1)(A), (f) and 11 C.F.R. § 110.1(b)(1)

202. Complainant realleges and incorporates by reference the foregoing paragraphs as if fully set forth here.

203. AOC for Congress, as a principal candidate committee, was subject to a contribution limit of \$2,700 per person, per election for the 2018 election cycle. 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

204. Contributions made by a person to a conduit or intermediary political committee that are earmarked for another political committee are treated as contributions directly from that person to the ultimate recipient committee, rather than to the conduit or intermediary, so long as the conduit or intermediary lacks control over the earmarked funds. 11 C.F.R. § 102.8(c).

205. In 2018, Natalie Elsberg contributed a total of \$5,650 to AOC for Congress, exceeding the \$5,400 total limit—including both primary and general elections—on contributions from individuals to candidate committees.

a. On March 23, 2018, Elsberg made a \$2,700 contribution to ActBlue earmarked for AOC for Congress.

b. On July 12, 2018, Elsberg made another \$2,700 contribution to ActBlue earmarked for AOC for Congress.

c. On September 12, 2018, Elsberg made a \$250 contribution to ActBlue earmarked for AOC for Congress.

206. AOC for Congress did not refund any excessive amounts to Elsberg.

WHEREFORE AOC for Congress accepted illegal excessive unrefunded contributions in violation of 52 U.S.C. § 30116(a)(1)(A), (f) and 11 C.F.R. § 110.1(b)(1).

CONCLUSION

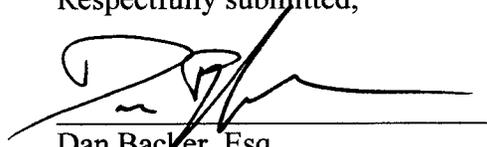
For these reasons, Complainant Coolidge-Reagan Foundation respectfully requests the Federal Election Commission commence enforcement proceedings against Respondents.

VERIFICATION

I declare under penalty of perjury the foregoing is true and correct to the best of my personal knowledge.

Dated April 1, 2019

Respectfully submitted,



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Counsel for Complainant
Coolidge-Reagan Foundation

COMPLETED BEFORE A NOTARY PUBLIC

State of Virginia

City of Alexandria

County of _____

MEGAN MARIE HERGETT
NOTARY PUBLIC
REG. #7783266
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MARCH 31, 2022

Subscribed and sworn to before me on this 1 day of April, 2019.

My Commission expires on 03.31.2022.

