

**BEFORE THE FEDERAL ELECTION COMMISSION**

FREE SPEECH FOR PEOPLE  
1340 Centre Street, Suite 209  
Newton, MA 02459

SHANNA M. CLEVELAND  
1340 Centre Street, Suite 209  
Newton, MA 02459

v.

MUR No. 7332

DONALD J. TRUMP FOR PRESIDENT, INC.  
725 Fifth Avenue  
New York, NY 10022

AMERICAN MEDIA, INC.  
4 New York Plaza  
New York, NY 10004

DONALD J. TRUMP  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

MICHAEL COHEN  
Michael Cohen & Associates PC  
30 Rockefeller Plaza, 23d fl.  
New York, NY 10112

**SECOND AMENDMENT TO THE COMPLAINT**

1. On February 16, 2018, Complainants filed a complaint pursuant to 52 U.S.C. § 30109(a)(1) seeking an investigation of potential violations of the reporting requirements and contribution limits and restrictions of the Federal Election Campaign Act (FECA), 52 U.S.C. § 30101, *et seq.* and Commission regulations, and docketed as Matter Under Review (MUR) 7332.

2. On April 26, 2018, Complainants filed an amended complaint to provide new information which became public after the February 16 filing.
3. Now, Complainants file a Second Amendment to the Complaint regarding new evidence, including audio recordings, relevant to the allegations contained in the initial complaint.
4. For brevity, this Amended Complaint does not repeat the facts, summary of law, or allegations recited in the February 16, or April 26, 2018 filings in MUR 7332 but incorporates them and all exhibits by reference as if repeated herein.

### **ADDITIONAL RESPONDENTS**

5. Donald J. Trump, President of the United States, was a candidate for president at the time of the negotiations with Ms. McDougal and is added as a respondent to Counts I, II, IV, and VI of the initial complaint because he meets the definition of an “agent” with respect to Donald J. Trump for President, Inc. as set forth in Commission regulations. *See* 11 C.F.R. §§ 101.2 and 109.3(b).<sup>1</sup>
6. Michael Cohen worked for the Trump Organization from 2007 until after the election. Mr. Cohen refers to himself as Donald J. Trump’s personal attorney and the “fix-it guy.”<sup>2</sup> Mr. Cohen is added as a respondent to Counts I, II, IV, and VI of the initial complaint because there is reason to believe that he was acting on behalf of Mr. Trump in engaging in the negotiations between AMI and Ms. McDougal.

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<sup>1</sup> In addition, *see* Federal Election Commission, Enforcement Manual of the Enforcement Division of the Office of the General Counsel, § 3.2.5.5 (June 12, 2013).

<sup>2</sup> Michael Rothfeld and Joe Palazzolo, “Trump Lawyer Arranged \$130,000 Payment for Adult-Film Star’s Silence,” *The WALL STREET JOURNAL* (Jan. 12, 2018) available at <https://www.wsj.com/articles/trump-lawyer-arranged-130-000-payment-for-adult-film-stars-silence-1515787678>.

### **NEWLY ALLEGED FACTS**

7. On July 20, 2018 the New York Times reported that among the files seized by the Federal Bureau of Investigation in its April 9, 2018 raid of Mr. Cohen's office, apartment, and hotel, was an audio file that recorded a conversation between Mr. Cohen and Donald J. Trump regarding a payment from American Media Inc. to Karen McDougal.<sup>3</sup>
8. Rudolph Giuliani, one of Mr. Trump's personal attorneys, acknowledged that the recording exists and that it concerned a payment from AMI to Ms. McDougal.<sup>4</sup>
9. On July 23, 2018, in the proceedings regarding the search warrants executed on Mr. Cohen, the Special Master issued a report indicating "the parties withdrew their designations of 'privileged' as to 12 audio items that were under consideration," and those items were released to the government on July 20, 2018.<sup>5</sup>
10. The audio file was released on July 24 by Mr. Cohen's lawyer, and in it Mr. Trump can be heard discussing a plan to pay "David," presumably David Pecker, the owner of AMI.<sup>6</sup>
11. In the same audio file, Mr. Trump can be heard asking Mr. Cohen to ensure that the papers from his divorce with Ivana Trump remain sealed until after the election,

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<sup>3</sup> Matt Apuzzo, et al., "Michael Cohen Secretly Taped Trump Discussing Payment to Playboy Model," New York Times (July 20, 2018) <https://www.nytimes.com/2018/07/20/us/politics/michael-cohen-trump-tape.html>.

<sup>4</sup> *Id.* ("Rudolph W. Giuliani, Mr. Trump's personal lawyer, confirmed in a telephone conversation on Friday that Mr. Trump had discussed payments to Ms. McDougal with Mr. Cohen in person on the recording.").

<sup>5</sup> Special Master Report at 1, Michael D. Cohen v. U.S., No. 18-3161 (S.D.N.Y. July 23, 2018), ECF No. 94. Attached as Exhibit 1.

<sup>6</sup> The audio file is available from CNN at <https://www.cnn.com/2018/07/24/politics/michael-cohen-donald-trump-tape/index.html>.

indicating a pattern of directing Mr. Cohen to suppress damaging information to influence the election.<sup>7</sup>

12. Upon information and belief, and based upon the audio recording, there is reason to believe that Mr. Trump approved of the negotiations between AMI and Ms. McDougal to buy the rights to her life story, including an account of her alleged affair with Mr. Trump, in order to suppress that story until after the presidential election.
13. Upon information and belief, and based upon the audio recording, there is reason to believe that Mr. Trump instructed Mr. Cohen to proceed with plans to purchase the rights to Ms. McDougal's story to ensure that it did not become public in the event that something happened to Mr. Pecker and/or AMI changed hands.
14. Upon information and belief, and based upon the audio recording, there is reason to believe that Mr. Cohen and Mr. Trump were engaged in discussions with AMI and/or its representatives and Ms. McDougal's representatives during the course of the negotiations for payment from AMI to Ms. McDougal and afterwards to ensure that the allegations of an affair between Mr. Trump and Ms. McDougal did not damage Mr. Trump's campaign for president.
15. Upon information and belief, there is reason to believe that AMI's payment to Ms. McDougal was made "in cooperation, consultation, or concert, with, or at the request or suggestion of"<sup>8</sup> Mr. Cohen, an agent of Donald J. Trump, therefore rendering the payment a coordinated expenditure and an in-kind and excess contribution to Donald J. Trump for President, Inc. and that the payment also constituted an unreported expenditure by the AMI because it was intended to influence the outcome of the presidential election.

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<sup>7</sup> *Id.*

<sup>8</sup> 52 U.S.C. § 30116(7)(B)(i).

**AMENDED PRAYER FOR RELIEF**

Wherefore, in addition to the relief requested in the initial complaint, we urge the Commission to

- (a) use its authority to “avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States.” 52 U.S.C. § 30106(f)(3) in conducting its investigation. Based upon the new information available, the Commission should request the assistance of the United States Attorney’s Office for the Southern District of New York in obtaining any audio files or other documents from the proceeding regarding the search warrant executed on Mr. Cohen that may be relevant to the allegations contained herein.
- (b) exercise its authority pursuant to 52 U.S.C. § 30107(a)(3) and 11 C.F.R. § 111.12 to issue a subpoena duces tecum to Mr. Cohen’s to provide any audio files or documents that are relevant to the allegations in this complaint, and
- (c) exercise its authority pursuant to 52 U.S.C. § 30107(a)(4) to order Mr. Cohen’s testimony concerning these allegations to be taken by deposition.

Further, the Commission should determine and impose appropriate sanctions for any and all violations, and should impose additional remedies as are necessary and appropriate to ensure compliance with the FECA.

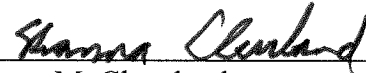
July 25, 2018

Respectfully submitted,



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Free Speech For People, by  
Shanna M. Cleveland  
1340 Centre Street, Suite 209  
Newton, MA 02459



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Shanna M. Cleveland  
1340 Centre Street, Suite 209  
Newton, MA 02459

**VERIFICATION**

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

For Complainants Free Speech For People  
and Shanna M. Cleveland

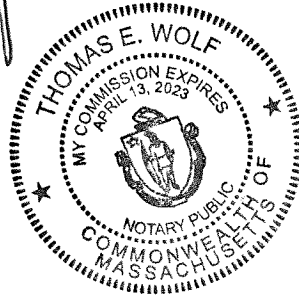
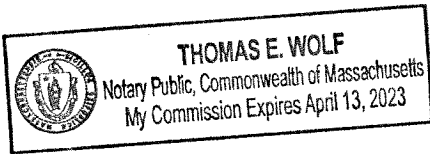
*Shanna Cleveland*

Shanna M. Cleveland

Sworn to and subscribed before me this 25 day of July 2018.

*Thomas E Wolf*

Notary Public







**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

*In the Matter of Search Warrants Executed on  
April 9, 2018*

MICHAEL D. COHEN,

Plaintiff,

- against -

UNITED STATES OF AMERICA,

Defendant.

18-MJ-3161 (KMW)

**SPECIAL MASTER REPORT**

BARBARA S. JONES, Special Master:

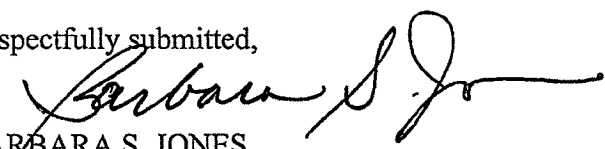
By Order of Appointment, dated April 27, 2018 [Dkt. No. 30] (the “Order”), the Court appointed the Hon. Barbara S. Jones (Ret.) as Special Master to render decisions regarding “privilege issues related to materials seized in the execution of certain search warrants executed on April 9, 2018 (the ‘Seized Materials’).” *See* Order at 1.

On July 20, 2018, the parties withdrew their designations of “privileged” as to 12 audio items that were under consideration by the Special Master. Based upon those de-designations, the Special Master released the 12 items to the Government that day.

The Special Master’s review of the remaining items is ongoing.

Dated: New York, New York  
July 23, 2018

Respectfully submitted,

  
BARBARA S. JONES  
Special Master

