

The Honorable Barbara Boxer, Chairman  
The Honorable Johnny Isakson, Vice-Chairman  
Senate Select Committee on Ethics  
220 Hart Senate Office Building  
Washington, DC 20510

**RE: Ethics Complaint Regarding the Failure by Senate Candidate Joe Sestak of Pennsylvania to File a Candidate Personal Financial Disclosure**

Dear Chairman Boxer and Vice-Chairman Isakson:

This is an official complaint to the Senate Select Committee on Ethics ("Senate Ethics Committee") regarding the failure of Joe Sestak, a candidate for the United States Senate from Pennsylvania, to comply with the provisions of Senate Rule 34 and federal law (5 U.S.C. app. §§101-111) governing ethics and official conduct of candidates and members of the United States Senate, specifically with respect to Mr. Sestak's failure to file his candidate Personal Financial Disclosure ("PFD") Report(s) within thirty (30) days of triggering his Senate candidate status.

As stated on the website of the Senate Ethics Committee:

"Members, officers, and certain employees of the United States Senate, related offices, and candidates for the Senate are required by Title I of the Ethics in Government Act of 1978, as amended (the "Act," 5 U.S.C. app., Section 101 et seq., also adopted as Senate Rule 34) and Senate Rule 41.1 to file Financial Disclosure Reports with the Secretary of the Senate, Office of Public Records". (emphasis added)

See <http://www.ethics.senate.gov/public/index.cfm/overview>, accessed October 29, 2013.

This complaint is filed in accordance with the statutory power vested in the Senate Ethics Committee to administer the financial disclosure requirements imposed by statute and the rules of the United States Senate. See 5 U.S.C. app. §§106, 111 and Rule 2(a) of the Senate Ethics Committee governing complaints for violations of Senate Ethics Rules and the Ethics in Government Act (5 U.S.C. app. §§101-111). The Senate Ethics Committee, under the Act, has the authority to administer it for the Senate, promulgate the Senate Financial Disclosure Report Forms and Instructions, and issue advisory opinions regarding the Act for the Senate and related offices and Senate candidates. 5 U.S.C. app. §§106(b)(7) and 111.

The guidance from the Senate Ethics Committee states:

"Candidate Reports are due within 30 days after becoming a candidate for nomination or election to the office of Member of the United States Senate, or by May 15 of that calendar year, whichever is later, but at least 30 days before the election. Thereafter, on or before May 15 of each succeeding year an individual continues to be a candidate, another report is due. A

candidate who currently holds an elected position in the United States Congress is not required to file a Candidate Report. *See* 5 U.S.C. appx. § 101(c).”

See <http://www.ethics.senate.gov/public/index.cfm/overview>, accessed October 29, 2013.

Mr. Sestak is no longer a member of the United States House of Representatives, having given up his congressional office to seek the office of United States Senator from Pennsylvania in 2010. Accordingly, he is obligated to file a personal financial disclosure report if/ when he again becomes a federal candidate.

Mr. Sestak triggered federal candidate status on or about February 9, 2013. The April 2013 Quarterly Report filed with the Federal Election Commission by the Friends of Joe Sestak (“FOJS”) reflects that Respondents had raised at least \$5,000 on or about February 9, 2013. The amounts raised trigger the requirement to file a Statement of Candidacy for the 2014 Election Cycle, were reported by the Respondents as follows:

January 25, 2013	\$1,000
January 25, 2013	\$2,000
February 4, 2013	\$1,000
February 9, 2013	\$6,200
Total:	\$10,200 as of February 9, 2013

According to Federal Election Commission filings made by FOJS, FOJS raised \$10,200 by February 9, 2013.

Under the Federal Election Campaign Act of 1971, as amended (“FECA”), an individual becomes a federal candidate when he/she raises or spends \$5,000 in furtherance of a federal candidacy. 2 U.S.C. appx. §431(2) and 11 C.F.R. §100.3.

Since the original triggering of candidate status, Mr. Sestak has repeatedly stated publicly that he is a candidate for the US Senate against Sen. Pat Toomey in the 2016 election cycle:

E-mail fundraising solicitations (attached) made by the FOJS are campaign fundraising solicitations for a Sestak candidacy. The appeals are plainly and unmistakably fundraising appeals to support Sestak’s candidacy despite his refusal to comply with the law :

- In an e-mail on June 24th, FOJS urged recipients that they “have the opportunity to make our choice clear” between Senator Toomey and Joe Sestak.
- In an e-mail on July 18th, FOJS exhorted recipients to “Click here to donate \$160, or whatever you can, joining the thousands of people that will make Joe the ‘People’s Senator.’”
- In an e-mail on August 9th, FOJS and Joe Sestak asked recipients for “your support today for a new leadership in America.... Please contribute today for new leadership! With your help I will seek to be a part of it.”

- In an e-mail on August 20th, FOJS wrote “we need a Senator who understands that the Constitution established the Supreme Court—not Congress—to interpret the statutes that Congress legislates.”
- In an e-mail on August 27th, FOJS and Joe Sestak asked recipients to make a contribution to the Friends of Joe Sestak, asking, “Would you help me to serve you, again?”
- In an e-mail on August 28th, FOJS urged the e-mail recipient to make a contribution before the federal reporting deadline.
- In an e-mail on August 29th, FOJS wrote an e-mail stating, “I am honored that Sarah Alfadi is hosting my first fundraising event in Montgomery County as I seek the U.S. Senate....I will win because of you... and your support.”
- In an e-mail on September 4th, FOJS asked recipients to make a contribution: “Please click here to support a real leader like Admiral Sestak as he seeks the U.S. Senate – the federal fundraising deadline is less than a month away.”
- In e-mails on September 17<sup>th</sup>, 20<sup>th</sup>, 23<sup>rd</sup> and 25<sup>th</sup>, FOJS requested contributions in order to meet the one million dollar goal for the September 30<sup>th</sup> reporting deadline.
- In an e-mail on October 14, 2013, Joe Sestak wrote, “I want to update you and thank you for our progress as I seek to serve you in the U.S. Senate.”

In addition, FOJS has held fundraisers and has been collecting endorsements for Joe Sestak’s candidacy for the US Senate. An invitation to a fundraiser sent on September 24, 2013 states that Sestak “would be touched if you would attend as my [Sestak’s] effort to serve our nation in the U.S. Senate relies so much upon your support.”

Joe Sestak has collected the endorsement *for the U. S. Senate* of the Pennsylvania Association of Staff Nurses and Allied Professionals – such that the Association saw fit to issue a press release endorsing the Sestak *candidacy!*

In addition, Mr. Sestak has raised well in excess of \$5,000 in furtherance of his new Senate candidacy.

According to statements filed with the FEC, the Friends of Joe Sestak had raised \$460,250.00 as of March 31, 2013; \$670,296.76 as of July 31<sup>st</sup>; and \$1,005,215.39 as of September 30<sup>th</sup>.

Based on these statements and actions, Mr. Sestak was required under federal law to file his candidate financial disclosure report no later than May 15, 2013. 5 U.S.C. app. 101(c). Mr. Sestak’s candidate personal financial disclosure report is now more than four months overdue, assuming a May 15 filing deadline.

The Senate Ethics Committee is authorized to investigate and take remedial action regarding Mr. Sestak's failure to comply with federal law by filing a candidate personal financial disclosure report. See 5 U.S.C. app. § 104 (c) which states:

"Failure to file or filing false reports. (c) ... (A) congressional ethics committee... may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported."

The penalty for failure to file a personal financial disclosure report within thirty (30) days of triggering candidate status is a \$200 fine. 5 U.S.C. app. § 104(d)(1).

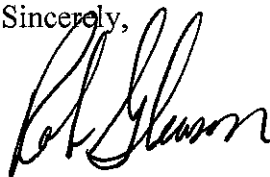
The Senate Ethics Committee is further authorized to refer this matter to the Department of Justice for the willful failure of Joe Sestak, a candidate for federal office, to file a personal financial disclosure report as required by law. See 5 U.S.C. app. §§ 104(a); (b).

The Senate Ethics Committee is obligated to immediately undertake an investigation into Mr. Sestak's utter contempt for the laws of the United States governing federal candidates. Mr. Sestak has refused to file a Statement of Candidacy with the Federal Election Commission and has further failed to file the Candidate's Personal Financial Disclosure Report, detailing the sources of his income for the previous two calendar years and other important financial information to which the people of the Commonwealth of Pennsylvania are entitled.

The undersigned is filing this Complaint in my capacity as an individual citizen and voter in the Commonwealth of Pennsylvania and on behalf of the Pennsylvania Republican Party, of which I serve as Chairman. I hereby respectfully request the Senate Ethics Committee to enforce the laws governing candidates for the United States Senate and to require Mr. Sestak to comply with the law, and to pay the applicable penalties for his failure to do so prior to this date.

Please contact me if you have additional questions. Thank you for your immediate attention.

Sincerely,

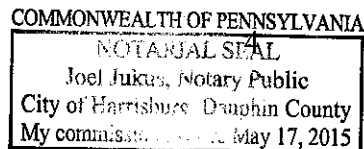


Rob Gleason, Chairman  
Republican Party of PA  
112 State Street  
Harrisburg, PA 17101

Before me this 5 day of November, 2013, appeared Mr. Rob Gleason and under penalty of perjury did swear and affirm that the above and foregoing facts are true and correct to the best of his knowledge and belief.

S E A L

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My Commission Expires: 5/17/2015

Notary Public

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Joel Jukus, Notary Public  
City of Harrisburg, Dauphin County  
My commission expires May 17, 2015