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February 23, 2022

VIA FEDEX

The Honorable Matthew Fogal
District Attorney of Franklin County
Franklin County Courthouse Annex
4th Floor
157 Lincoln Way East
Chambersburg, PA 17201

Re: Suspected Violation of Pennsylvania Law (25 P.S. § 3249) by
Senator Doug Mastriano and Derek Lautenslager as Treasurer of
Friends of Doug Mastriano

Dear District Attorney Fogal:

On behalf of my client, Corman for Governor, I write to you in order to report suspected violations of Pennsylvania law that occurred within your jurisdiction.¹ Specifically, evidence exists to suggest that Senator Doug Mastriano and Derek Lautenslager, as Treasurer of Friends of Doug Mastriano, may have violated 25 P.S. § 3249(b) by submitting late and incomplete campaign finance reports to the Department of State that failed to disclose hundreds of thousands of dollars of campaign activities.

Upon information and belief, the following are the relevant facts of the suspected violations:

Since 2019, Doug Mastriano has served as the Senator for Pennsylvania's 33rd District. Friends of Doug Mastriano is Senator Mastriano's official campaign committee. Friends of Doug Mastriano lists its official address as Post Office Box 138, Fayetteville, PA 17222. Joel Sollenberger is the Chairman of Friends of Doug Mastriano, and Derek Lautenslager

¹ As "district attorney of . . . [the] county in which a violation has occurred", you "have concurrent powers and responsibilities with the Attorney General over violations committed under" the Election Code. 25 P.S. § 3555.

has served as Treasurer of Friends of Doug Mastriano since October 19, 2020. Both the Chairman and Treasurer of the Committee list Franklin County addresses on the Committee's filings with the Pennsylvania Department of State. Upon information and belief, Senator Mastriano is also a resident of Franklin County. On January 2, 2022, Senator Mastriano announced his candidacy for Governor of Pennsylvania.

While allegations have swirled for months in the press concerning alleged campaign finance violations by Senator Mastriano and Friends of Doug Mastriano,² recently Friends of Doug Mastriano appears to have concealed hundreds of pages worth of contributions and expenditures from public disclosure.

On February 3, 2022³, Friends of Doug Mastriano filed its 2021 Year-End Campaign Finance report, which immediately “raised questions about whether his campaign is following the rules.” Andrew Seidman, Doug Mastriano’s ‘Strange’ Financial Report Raises Questions About His Campaign for Pa. Governor, Philadelphia Inquirer, Feb. 21, 2022, *available at* <https://www.inquirer.com/politics/election/doug-mastriano-campaign-spending-20220221.html>. Among the many issues noted by the *Inquirer* was that Senator Mastriano’s Facebook page had solicited contributions for numerous campaign events for which “no costs associated with those events show[ed] up on Mastriano’s 2021 financial report.” *Id.*

Moreover, the *Inquirer* noted that Friends of Doug Mastriano “didn’t report spending much of anything last year. The filing shows just one expenditure, recorded last January — \$14,415.87 on processing fees for an online fund-raising service. And he reported zero ‘in-kind contributions’ — things of value that aren’t direct donations, like when a supporter pays for renting an event space or catering a fund-raiser. Nor did Mastriano list any debts, which candidates sometimes do when they haven’t paid bills yet.” *Id.*

Indeed, this media scrutiny prompted Friends of Doug Mastriano to file an amendment to its original campaign finance report earlier this week—not to correct small issues, which does periodically occur—but rather the committee added **239 pages** of additional transactions that had previously been failed to be reported. *See* Friends of Doug Mastriano Amended Report.

Nor frankly was there any readily apparent explanation as to *how* 239 pages of contributions and expenditures could have previously been unaccounted for. In its amended report, Friends of Doug Mastriano reported **hundreds of thousands of dollars** of contributions that had not previously been disclosed. *Compare* Friends of Doug Mastriano Original Financial Report at page 2 with Amended Financial Report at page 2. In addition, Friends of Doug

² *See, e.g.*, Hannah Bleau, Campaign Finance Questions Swirl Around Potential PAGOP Gubernatorial Contender Doug Mastriano, Breitbart (Dec. 28, 2021) (*available at* <https://www.breitbart.com/politics/2021/12/28/campaign-finance-questions-swirl-around-potential-pa-gop-gubernatorial-contender-doug-mastriano/>).

³ The report itself was due on January 31, 2022.

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Mastriano reported over \$200,000 in additional expenditures than had previously been reported. *Compare* Friends of Doug Mastriano Original Financial Report at page 1, Box D with Amended Financial Report at page 1, Box D.

In many ways it is unclear whether it is worse that *so many* transactions went unreported, or that some unreported transactions were quite large. As but one example, the original campaign finance report omitted contributions from one contributor totaling over \$100,000.⁴

Frankly, the amended campaign finance report raises more questions than answers, given the enormity of the additional transactions. What is clear, however, is that submitting a false campaign finance report “constitute[s] the crime of perjury” under Pennsylvania law. 25 P.S. § 3249(b)

25 P.S. § 3249(b) provides that “[a]ny willfully false, fraudulent or misleading statement or entry made by any candidate or treasurer in any statement or report under oath as required by this article, shall constitute the crime of perjury, and be punishable according to the laws of the Commonwealth.” Moreover, “[a]ny person hereafter convicted of such an act shall be disqualified from holding public office in this Commonwealth.” 25 P.S. § 3249(c).

The Pennsylvania Election Code empowers your office with the power to investigate and, if appropriate, prosecute these violations. *See* 25 P.S. § 3555. (“The district attorney of any county in which a violation has occurred shall have concurrent powers and responsibilities with the Attorney General over violations committed under this act.”). Here, Friends of Doug Mastriano is situated in Franklin County; Senator Mastriano is a resident of Franklin County; and both the Chairman and Treasurer are also believed to be Franklin County residents based on the information they have provided to the Pennsylvania Department of State.

Furthermore, given that the current Attorney General of the Commonwealth of Pennsylvania may consider himself conflicted from investigating this matter, it is even more appropriate that your office exercise its “concurrent power and responsibilities . . . over violations committed under this act.” *Id.*

And while we are cognizant of the fact that your office only has finite resources, we would respectfully request that given the apparent flagrancy of the violations in question—where experienced political operatives, with years of experience filing campaign finance reports, filed a campaign finance report that failed to disclose, without explanation, hundreds of thousands of dollars of contributions and expenditures, and then only amended their report when this apparent deception was uncovered by media inquiries — an investigation is merited. This is exactly the type of offense that should be investigated if the Commonwealth’s rules governing

⁴ *See* Amended Campaign Finance Report at pp. 835, 837. (disclosing previously undisclosed contributions from a James Martin totaling \$110,000.

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election fairness and transparency are to have any real application to the Commonwealth's elections.

Indeed, these "disclosure provisions . . . constitute the . . . primary weapons against the reality or appearance of improper influence stemming from the dependence of candidates on large campaign contributions." *Buckley v. Valeo*, 424 U.S. 1, 58 (1976).

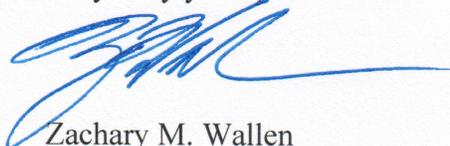
Such disclosure has multiple important purposes. "First, disclosure provides the electorate with information 'as to where political campaign money comes from and how it is spent by the candidate' in order to aid the voters in evaluating those who seek . . . office." *Id.* at 66-67. "Second, disclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity. This exposure may discourage those who would use money for improper purposes either before or after the election. A public armed with information about a candidate's most generous supporters is better able to detect any post-election special favors that may be given in return." *Id.* at 67.

For these very reasons, the Pennsylvania Election Code's requirements mandating disclosure are of critical importance to the Commonwealth's voters, and the stark penalties for the failure to disclose campaign activities are commensurate with their importance.

Based on the foregoing facts and circumstances, it appears that Senator Mastriano and Friends of Doug Mastriano may have committed flagrant and willful violations of Pennsylvania's Election Code by submitting an obviously deficient and incomplete campaign finance report that failed to disclose hundreds of pages of transactions. Accordingly, we respectfully request that you investigate their activities and take whatever additional actions you deem appropriate.

Please do not hesitate to contact me should you have any additional questions concerning this matter.

Very truly yours,



Zachary M. Wallen

Enclosures

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CC: The Honorable Josh Shapiro, Attorney General of Pennsylvania (via First Class Mail w/o enclosures)

Ms. Leigh M. Chapman, Acting Secretary of the Commonwealth of Pennsylvania (via First Class Mail w/o enclosures)