

Congress of the United States

Washington, DC 20510

February 6, 2019

Starboard Strategic
817 Slaters Lane
Alexandria, Virginia 22314

To Whom It May Concern:

We write to request further information about the relationship between OnMessage, Inc. (“OnMessage”) and Starboard Strategic, Inc. (“Starboard”). Based on published reports, it appears that the National Rifle Association, and its affiliates, National Rifle Association Institute of Legislative Action and the National Rifle Association of America Political Victory Fund (collectively, the “NRA”), may have violated campaign finance law by coordinating independent expenditures with several political campaigns, through OnMessage and Starboard.

Candidates are prohibited from accepting contributions outside of the existing campaign finance limits during an election cycle. Any independent expenditure made in coordination with a candidate is considered to be an in-kind contribution to the candidate and is subject to applicable contribution limits.¹

Significant circumstantial evidence suggests that OnMessage established Starboard as a shell corporation meant to disguise the fact that individuals working to direct campaign strategies and advertisements for Senate candidates were also coordinating “independent” expenditures by the NRA.

- OnMessage currently serves as the primary vendor for advertisements for many federal candidates and campaigns, including several Senate candidates and party committees.²
- In 2013, principals at OnMessage established Starboard. OnMessage and Starboard are located at the same addresses, 705 Melvin Avenue, #105, Annapolis, Maryland, and 817 Slaters Lane, Alexandria, Virginia.³ Starboard and OnMessage share the same six directors: Curtis Anderson, Wesley Anderson, Bradley Todd, Graham Shafer, Timothy Teepell, and Orrin “Guy” Harrison.⁴ Starboard and OnMessage also share the same incorporation agent, Craig Palik.⁵

¹ See generally, 52 U.S.C. § 30116(a)(7)(B)(i); 52 U.S.C. § 30116(a)(1); and 52 U.S.C. § 30118(a).

² Expenditures, OPENSECRETS.ORG,

[https://www.opensecrets.org/expends/vendor.php?year=2018&vendor=OnMessage+Inc.](https://www.opensecrets.org/expends/vendor.php?year=2018&vendor=OnMessage+Inc)

³ Mike Spies, *The Mystery Firm that Became the NRA's Top Election Consultant*, POLITICO MAGAZINE, (July 13, 2018), <https://www.politico.com/magazine/story/2018/07/13/mystery-firm-nra-consultant-219004>

⁴ See STARBOARD STRATEGIC, INC., 2018 ANNUAL REPORT (Feb. 24, 2018); ONMESSAGE, INC., 2018 ANNUAL REPORT (Feb. 27, 2018)

⁵ Articles of Incorporation: Starboard Strategic, Inc., Commonwealth of Virginia State Corporation Commission (Mar. 22, 2013); OnMessage Holdings, Inc., Commonwealth of Virginia State Corporation Commission, <https://sccfilefile.scc.virginia.gov/Business/0770961>.

- According to press reports, the executives “toggled between roles” at both firms and, according to one OnMessage employee, “[b]eyond some Starboard-labeled thumb-drives lying around, I don’t recall anything within our office that was called or associated with Starboard.”⁶
- Before 2013, the NRA used OnMessage as a vendor to make independent expenditures. In 2012, for example, the NRA paid OnMessage over \$10 million.⁷
- According to press reports, in 2014, the NRA began contracting with Starboard for independent expenditures supporting candidates whose campaign committees were simultaneously paying OnMessage.⁸ The NRA paid Starboard approximately \$20 million for independent expenditures in 2014 alone.⁹
- OnMessage, meanwhile, received over \$32 million in payments from Republican campaigns and political committees. According to a Federal Election Commission (FEC) complaint, OnMessage received nearly \$20 million in payments from three Senate campaigns.¹⁰ The NRA, through Starboard, supported these same Republican candidates with millions in “independent” expenditures.¹¹
- In the 2016 election cycle, the NRA paid Starboard approximately \$40 million for ads.¹² Some of these advertisements were spent in a support of a candidate who was a client of OnMessage.¹³
- Following the 2016 election, OnMessage repeatedly took credit for advertisements that the NRA paid for through Starboard.¹⁴
- In the 2018 midterms, the NRA spent more than \$830,000 in support of a Republican Senate candidate, hiring Starboard to place its ads. The candidate’s campaign also paid OnMessage more than \$1.2 million for its services.¹⁵ The NRA also paid Starboard

⁶ Mike Spies, *The Mystery Firm that Became the NRA’s Top Election Consultant*, POLITICO MAGAZINE, (July 13, 2018), <https://www.politico.com/magazine/story/2018/07/13/mystery-firm-nra-consultant-219004>.

⁷ National Rifle Association of America Political Victory Fund, Independent Expenditures to OnMessage, Inc. (regularly scheduled reports), 2011-12, https://www.fec.gov/data/independentexpenditures/?data_type=processed&committee_id=C00053553&cycle=2012&is_notice=false&payee_name=onmessage&min_date=01%2F01%2F2011&max_date=12%2F31%2F2012; National Rifle Association Institute for Legislative Action, Independent Expenditures to On Message, Inc.

(regularly scheduled reports), 2011-12, https://www.fec.gov/data/independentexpenditures/?data_type=processed&committee_id=C70000716&committee_id=C90013301&cycle=2012&is_notice=true&payee_name=message&min_date=01%2F01%2F2011&max_date=12%2F31%2F2012.

⁸ Mike Spies, *The Mystery Firm that Became the NRA’s Top Election Consultant*, POLITICO MAGAZINE, (July 13, 2018), <https://www.politico.com/magazine/story/2018/07/13/mystery-firm-nra-consultant-219004>.

⁹ National Rifle Association of America Political Victory Fund, Independent Expenditures to Starboard Strategic, Inc. (regularly scheduled reports), 2013-14, https://www.fec.gov/data/independentexpenditures/?data_type=processed&committee_id=C00053553&is_notice=false&payee_name=starboard&min_date=01%2F01%2F2013&max_date=12%2F31%2F2014.

¹⁰ Campaign Legal Center, Complaint Against the National Rifle Association American Institute for Legislative Action and the National Rifle Association of America Political Victory Fund (Jul. 16, 2018).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ E.g., Brad Todd, OnMessage Wins Four Reed Awards, ONMESSAGE, INC. (Feb. 20, 2017), <https://onmessageinc.com/blog/02202017/> (last visited July 16, 2018); Guy Harrison, OnMessage Wins Five Pollie Awards for TV and Digital Work, ONMESSAGE, INC. (Mar. 20, 2017), <https://onmessageinc.com/blog/03202017/>.

¹⁵ Mike Spies, *NRA Continues to Use Mystery Firm in Latest Round of Election Spending*, THE TRACE (Oct. 9, 2018), available at <https://www.thetrace.org/rounds/nra-continues-to-use-mystery-firm-in-election-spending/>.

nearly \$400,000 for an ad on behalf of another Senate Republican candidate, whose campaign also paid OnMessage directly for services.¹⁶

These facts suggest that OnMessage and Starboard employees shared inside information that allowed for coordination between NRA and political candidates. Because a payment for a coordinated communication is an in-kind contribution to a candidate,¹⁷ the NRA may have violated contribution limits under the Federal Election Campaign Act by making coordinated communications in excess of applicable contribution caps through Starboard and OnMessage.¹⁸

As members of Congress, we have a strong interest in ensuring that elections are conducted fairly under our current campaign finance law. In light of these concerns, we request that you provide us with the following information no later than March 6, 2019.

- 1) Do OnMessage and Starboard have official policies to prevent illegal coordination and comply with FEC's common vendor guidelines? If so, please provide copies of specific policies and procedures, corporate bylaws, articles of incorporation, or other guidelines that establish the appropriate firewalls and compliance with common vendor regulations between OnMessage and its employees and Starboard and its employees.
- 2) Please provide any communications and emails between OnMessage or Starboard employees, as well as any communications with the NRA, discussing compliance with campaign finance law regarding the representation of the NRA and political candidates.
- 3) Are any OnMessage and/or Starboard employees also employed by Red Eagle, American Media & Advocacy Group (AMAG) and/or National Media Research? If so, provide their names, positions, and job descriptions.
- 4) Do OnMessage or Starboard, or their employees, have any contact with Red Eagle Media Group, AMAG, and National Media Research, Planning, and Placement (collectively the "National Media Group")? If so, please describe the nature of the relationship and the employees involved, and please provide any communications and emails between On Message and the National Media Group regarding the placement of advertisements for the NRA.
- 5) Please provide any notes from any meetings or phone calls held with NRA from the years 2015 and 2016.
- 6) Please provide any other relevant documents establishing the functional independence of Starboard and OnMessage.
- 7) Do OnMessage and Starboard have regular corporate board meetings? Do the boards of OnMessage or Starboard produce annual reports? If so, please provide the annual reports and minutes from corporate board meetings held by OnMessage and Starboard for the years 2015 and 2016.

¹⁶ Mike Spies, *Despite FEC Complaint, the NRA is Still Using a Mystery Firm to Back Senate Candidates*, THE TRACE (Sep. 10, 2018), available at <https://www.thetrace.org/2018/09/nra-starboard-strategic-campaign-finance-senate-races/>.

¹⁷ 11 C.F.R. § 109.21(b).

¹⁸ 52 U.S.C. § 30116(a)(1); see Complaint, *supra* note 10 at 24.

Given the significant oversight interest Congress has in the lawful administration of campaign finance laws, we also request that OnMessage, Starboard, and any other related entities retain all records relevant to this inquiry.

Sincerely,



SHELDON WHITEHOUSE
United States Senator



JAMIE RASKIN
Member of Congress