

BEFORE THE FEDERAL ELECTION COMMISSION

Complaint against

MINOCQUA BREWING COMPANY SUPERPAC,
MINOCQUA BREWING COMPANY,
KIRK BANGSTAD, and
SARAH YACOUB
Respondents

Complainant Jordan Moskowitz makes this complaint before the Federal Election Commission (“FEC”) seeking an investigation and enforcement action against the Minocqua Brewing Company SuperPAC (“MBC SuperPAC”). Complainant alleges as follows:

1. Complainant Jordan Moskowitz is an elector and resident of the State of Wisconsin.
2. Minocqua Brewing Company SuperPAC is registered with the Federal Election Commission as an independent expenditure only committee with a Statement of Registration first filed on January 3, 2021.
3. Minocqua Brewing Company is a corporation registered with the State of Wisconsin.
4. Kirk Bangstad is the registered Treasurer of the MBC SuperPAC, and, upon information and belief, is also the sole owner of Minocqua Brewing Company.
5. Sarah Yacoub is the Executive Director of the MBC SuperPAC, according to a March 21, 2021 post on the MBC SuperPAC Facebook page. *See Attachment A.*
6. Kirk Bangstad, by his activities conducted through Minocqua Brewing Company and the MBC SuperPAC, and Sarah Yacoub, as Director of the MBC SuperPAC, have exhibited a pattern of violations of the Federal Election Campaign Act of 1971, as amended (“the Act”).
7. According to the Minocqua Brewing Company’s website, the company purports to donate 5% of all profits to the MBC SuperPAC. *See Attachment B.*
8. Minocqua Brewing Company is acting as a conduit by soliciting contributions to the MBC SuperPAC through the sale of its products, but has failed to disclose the names of these donors whose funds it purports to have transferred to the MBC SuperPAC.
9. By advertising a promise to donate 5% of profits to the MBC SuperPAC, Mr. Bangstad is using the existence of the committee to personally profit through an attempt to increase sales of beer and company merchandise. Apart from an initial \$1,000 contribution made to fund the committee on January 8, 2021, however, the MBC SuperPAC failed to disclose any transfer of 5% of profits from the Minocqua Brewing Company on its regularly scheduled 2021 Mid-Year Report filed on July 30, 2020. It follows that either

the Respondents misappropriated intended donor contributions for private benefit, or the MBC SuperPAC filed a false report which failed to report receipt of these funds.

10. On January 4, 2021, one day following the registration of the MBC SuperPAC, Kirk Bangstad disseminated a mass email mailing which originates from his Minocqua Brewing Company corporate email address (“January 4th Email”). *See Attachment C.*
11. The January 4th Email is a communication that expressly advocates for the defeat of clearly identified candidates. The email states, in part, “I’m creating a SuperPAC to help defeat these people in 2022...Ron Johnson, Tom Tiffany...” which meets the definition of an independent expenditure under 11 CFR 100.16.
12. The MBC SuperPAC failed to file a 48 Hour Report to disclose this communication as an independent expenditure.
13. The MBC SuperPAC failed to report the independent expenditure on Schedule E of its regularly scheduled 2021 Mid-Year Report.
14. The MBC SuperPAC failed to report an in-kind contribution from the Minocqua Brewing Company for use of its resources in creating and disseminating the January 4th Email, development of the committee website, and other expenditures.
15. The January 4th Email did not bear the federal disclaimers required by 11 CFR 109.11 and 110.11.
16. Both the January 4th Email and the Minocqua Brewing Company websites solicit contributions for the SuperPAC but do not bear the required federal disclaimer notices for solicitations.
17. Upon information and belief, the January 4th Email was sent, in part, to lists owned by other political committees for which no purchase or rental is reported on MBC SuperPAC’s 2021 Mid-Year Report.
18. The January 4th Email displays a photograph of the Minocqua Brewing Company using its business as a billboard in support of Joe Biden’s presidential campaign committee, one early example of the company’s impermissible use of corporate funds to provide direct support to federal candidates.
19. Minocqua Brewing Company is acting as a conduit by soliciting and earmarking contributions to the Minocqua Brewing Company SuperPAC through the sale of its products, but has failed to disclose the names of these donors whose funds it purports to have transferred to the MBC SuperPAC.
20. On its regularly scheduled 2021 Mid-Year Report, the MBC SuperPAC reports a number of expenditures for Digital Advertising, Billboard Signs, Radio Advertising, Advertising, Media Production and Canvassing Services for which no independent expenditure or direct contribution is disclosed.

21. Mr. Bangstad, in his capacity as Treasurer for the MBC SuperPAC, failed to use best efforts to maintain and report accurate records of vendor address and donor employer and occupation information. Most notably, Mr. Bangstad and the MBC SuperPAC failed to report the address for its own Executive Director, Sarah Yacoub on the 2021 Mid-Year Report.

The above-referenced activity by Kirk Bangstad, Sarah Yacoub Minocqua Brewing Company and the Minocqua Brewing Company SuperPAC is contrary to the Act.

WHEREFORE, Complainant respectfully requests that the Federal Election Commission commence an investigation into the actions of Kirk Bangstad, Sarah Yacoub, Minocqua Brewing Company and the Minocqua Brewing Company SuperPAC in regard to these actions; commence an action in civil court with respect to any civil violations; refer any criminal violations to the appropriate prosecutorial authorities; and render such other relief that the Federal Election Commission may deem just and equitable.

Dated this 29 day of September, 2021.


Jordan Moskowitz


CERTIFICATION

I, Jordan Moskowitz being first duly sworn upon oath, state that I personally read the above complaint and that the above allegations are true and correct based on my personal knowledge and, as to those allegations stated on information and belief, I believe them to be true.


Jordan Moskowitz

State of Wisconsin)
County of Dane) ss

Signed and sworn to before me this 29th day of September 2021.


Notary Public or Person Authorized
to Administer Oaths

My commission expires 5-2-23
Or, ____ is permanent.

Attachment 1
A



Minocqua Brewing Company

March 21 · 🌐

The warmer temps and melting lakes are giving us feelings of revitalization and rebirth.

We've been working hard all winter on some projects that are now beginning to see the light and want to share some of them with you.

First, we started the Minocqua Brewing Company Super PAC on January 4th as a way to make politics cleaner in Northern Wisconsin, and many of our early accomplishments wouldn't have been possible without the help of our new Executive Director, [Sarah Yacoub](#), who we're introducing publicly for the first time.

For many Wisconsinites, this isn't the first time you've heard of Sarah. She was the 2020 Democratic nominee for State Assembly in District 30, which includes St. Croix and Pierce counties. Like many of us who ran in this last cycle and lost, she learned first-hand how Wisconsin's Republican Party has become a disfigured shell of its former self by embracing corruption, racism, and misinformation. She wanted to keep fighting for her community, and since her goals fit perfectly with ours she joined us.

Attachment B



MBC Super PAC

5% of all of our profits go to the Minocqua Brewing Company SuperPAC, which is "Dark Money Meant for Good."

[LEARN MORE & DONATE TODAY](#)

Links

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Newsletter

Email address

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Attachment C

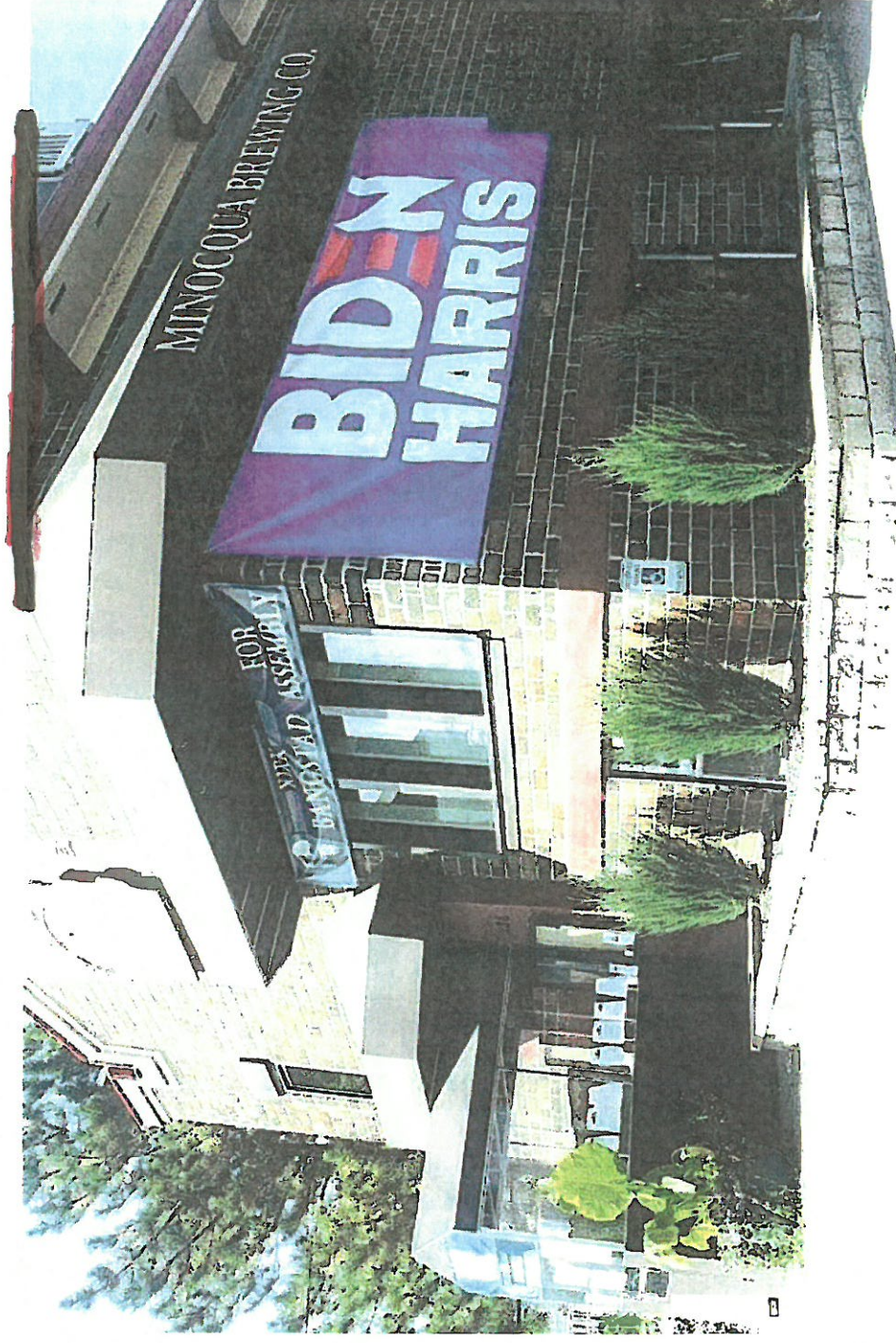
----- Forwarded Message -----
From: Kirk Bangstad <events@minocquabrewingcompany.com>
Sent: Monday, January 4, 2021, 02:34:51 PM CST
Subject: About the Minocqua Brewing Company SuperPAC



SUPERPAC

Hey everyone, this is Kirk Bangstad, the owner of the Minocqua Brewing Company.

I'm writing to introduce you to the Minocqua Brewing created in January, 2021—the first month after the most harrowing year I've lived through in my 43 year existence.



2020 was awful because we had a president who purposefully mislead the American public about the deadliness of the Coronavirus pandemic. His lies were trumpeted by his political party and conservative media outlets which caused massive death in our country. Apart from the Trump administration never creating a coordinated federal plan to combat the virus, millions of Americans believed his false propaganda, thus refusing to believe the virus was

their neighbors.

On this day, January 3, 2021, over 350,000 Americans have died from the Covid-19. This is more death than the next two deadliest countries combined—Brazil (195K) and India (149K).*

Although Trump was the seminal cause of this uniquely American humanitarian disaster, the Republican Party at both the federal and state level perpetuated Trump's alternative fact-free reality when they could have stopped it.

In addition to this Coronavirus catastrophe, America's democracy has been sustaining massive damage by Trump's refusal to concede the presidential election which has turned into an electoral landslide in favor of Joe Biden. Biden got 7 million more votes and won the Electoral College 306 to 232, a win that is absolute but has still been the subject of 61 lawsuits, 60 of which Trump has lost.

And again, many Republican US Senators, US Congressman, and state party leaders are perpetuating Trump's lies that this election was rigged against him, and are advocating that the will of American voters be overturned to hand him the victory.

These acts, by definition, are treasonous. Those advocating Trump's unlawful victory by invalidating the votes of their fellow Americans are traitors to our country.

Given this context of humanitarian catastrophe and mass destruction to our democratic institutions by the Republican Party, I now look to my home, the pristine Northwoods of Wisconsin.

At the state level, Republican Representative Rob Swearingen and now-Republican Senator Mary Felzkowski were part of a Republican majority legislature that met only twice in 6 months to pass a Covid relief bill last April. Out of the 10 other full-time state legislatures in the U.S. (the other 40 state legislatures are considered part time) the average times each met to pass Covid-related relief measures was 38.**

By not doing anything during after Covid hit, The Republican Party in Wisconsin abdicated all responsibility to improve public health safety during a pandemic as well as stop the pain of economic collapse for Wisconsinites.

HANDCRAFTED ALES AND LAGERS. UNFILTERED. UNPASTEURIZED. K.

About Me

FROM ITS HISTORY AS A
TEMPLE IN 1929, TO A
SCHOOL, LIBRARY, THEN
IN 1997. THIS BUILDING HAS
BEEN ONE OF THE CULTURAL
OF THE MAGICAL TOWN OF

WINOCQUA

• BREWING COMPANY •

32 OUNCE
CROWLER

(1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

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**25
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  FOLLOW US / OR ON THE

And I've decided to do something about it.

the use of "dark money," which was allowed in the aftermath of the historically awful Supreme Court decision "Citizen's United," there's nothing I can do to change the fact that today, corporations and the rich are essentially buying elections and in-turn, the politicians who benefit from winning those elections.

Since the Minocqua Brewing Company is a corporation, and since I think my Republican representation in the Northwoods is poisonous for the people that live here, I'm creating a SuperPAC to help defeat these people in 2022. The Republicans up for election at the state and federal level that we will target with our "dark money meant for good" is Ron Johnson, Tom Tiffany, and Rob Swearingen. Mary Felzkowski is not up for reelection in 2022.

The Minocqua Brewing Company will commit 5% of its profits to donate to this SuperPAC, but like-minded citizens can also donate directly without buying a thing from us.

I will write a weekly newsletter updating everyone on what we're doing to get rid of our poisoned Republican politicians, and in that newsletter, I will be completely transparent about where our money is going while also asking for further contributions to build a war chest that will hurt these guys just like they've hurt us.

I also hope this idea grows among small businesses, who have historically leaned conservative, mostly because they hate the government red tape associated with running a business. I get it, I hate red tape too, but just like the poor and middle class have been left out in the cold by Republican leaders, so too have small businesses. We are the poor of the corporate world. They don't care about us, they care about the huge corporations that hire expensive lobbyists, like the Amazons, the Facebooks, the Walgreens, the United Airlines, the Pfizers, the BP's, the Monsantos, the Goldman Sachs...the guided "trusts" of the 21st century.

It's time for small businesses to take a stand and stick their necks out. We can no longer stay neutral and repeat the mantra used by Michael Jordan when refusing to support progressive and black causes--"Republicans buy sneakers too."

We have to stick our necks out because we're being screwed, along with the poor and middle class. Any restaurant or bar who didn't get any help from the government in the last 9 months because Republicans refused to negotiate honestly to pass a stimulus bill need to sneak up. We can no longer stick our

off some customers in the process. Losing a few customers in the short term may help us stay alive in the long term as we lean on our representatives to focus on us instead of large corporate donors.

[If you agree with me, please donate to the Minocqua Brewing Company SuperPAC.](#) With your help, we will make politics in the Northwoods look a little bit more like our lakes—clean and healthy.

Sincerely,

Kirk

[Donate to SuperPAC](#)

[Buy Beer](#)

[Buy Merchandise](#)