

(“Progressive Priorities”) and, along with other co-conspirators, used these PACs to obtain contributions from unwitting donors based on false and misleading representations, then laundered the proceeds of the scheme.

3. **TUNSTALL** and REYES were the principals responsible for the overall managerial oversight of Liberty Action Group and Progressive Priorities and exercised ultimate decision-making authority over the individuals recruited to work for each PAC. **TUNSTALL** recruited DAVIES, his cousin, to participate in the PACs’ activities.

4. Individual 1 was a friend of DAVIES.

5. Individual 2 was DAVIES’ girlfriend.

6. Individual 3 was an associate of DAVIES.

7. Individual 4 was a relative of REYES.

8. Individual 5 was a certified public accountant who was hired by REYES, at **TUNSTALL**’s direction, to conduct certain regulatory filing activities on behalf of both entities. Individual 5’s responsibilities included receiving financial statements from REYES regarding Liberty Action Group’s and Progressive Priorities’ fundraising activities; separating the financial transactions outlined in those statements by receipts or disbursements; entering those activities into a format compliant with the reporting systems of the Federal Election Commission (“FEC”); and filing reports for Liberty Action Group and Progressive Priorities with the FEC as required by law and regulation.

9. Company A was a communications company that provided a platform for Liberty Action Group and Progressive Priorities to disseminate telephone calls that used a computerized autodialer to deliver a pre-recorded message, often referred to as “robocalls.”

10. Candidate 1 was the Political Party A candidate for the Office of the President of

the United States in the 2016 federal election cycle.

11. Candidate 2 was the Political Party B candidate for the Office of the President of the United States in the 2016 federal election cycle.

12. Liberty Action Group was a political action committee that claimed to raise political contributions to support the election of Candidate 1 in 2016 and to support the Political Party A agenda after Candidate 1's election. On or about January 13, 2016, TUNSTALL, REYES, and DAVIES opened or caused to be opened Account -8156 for Liberty Action Group at Financial Institution A in the Western District of Texas.

13. Progressive Priorities was a political action committee that claimed to raise political contributions to support the election of Candidate 2 in 2016 and to support the Political Party B agenda after Candidate 2's defeat. On or about May 9, 2016, TUNSTALL, REYES, and DAVIES opened or caused to be opened Account -8111 for Progressive Priorities at Financial Institution B in the Western District of Texas. On or about December 8, 2016, TUNSTALL, REYES, and DAVIES opened or caused to be opened Account -6823 under the name Progressive Properties LLC at Financial Institution A, which they used to conduct the activities of Progressive Priorities.

14. American Priority Political Action Committee ("American Priority") was a political action committee that claimed to raise political contributions to support Political Party A. In and around 2016, REYES founded American Priority under TUNSTALL's guidance.

II. The Fraud and False Statements Scheme

15. In and around 2016, TUNSTALL and REYES created Liberty Action Group and Progressive Priorities to obtain money based on false and misleading representations about the PACs' activities and spending. Specifically, through robocall solicitations, written solicitations, radio and television advertisements, and other means, Liberty Action Group and Progressive

Priorities falsely represented to donors that all of their donated funds would be used to support candidates for the Office of the President of the United States.

16. In total, Liberty Action Group received approximately \$3.11 million in contributions into Account -8156 at Financial Institution A. Progressive Priorities received approximately \$400,426 in contributions into Account -8111 at Financial Institution B, and approximately \$456,387 in contributions into Account -6823 at Financial Institution A.

17. **TUNSTALL** and **REYES** used some of the funds acquired through the scheme to enrich themselves directly, to support their independent, unrelated business ventures, and to pay for additional solicitations for money on behalf of Liberty Action Group and Progressive Priorities. These transfers included, but were not limited to, the below:

- i. Transfer of approximately \$57,000 from Liberty Action Group PAC, Financial Institution A Account -8156, to Modern Media on or about, December 23, 2017;
- ii. Transfer of approximately \$50,000 from Liberty Action Group PAC, Financial Institution A Account -8156, to **TUNSTALL** via Matte Media on or about December 27, 2016; and
- iii. Transfer of approximately \$2,000 from Liberty Action Group PAC, Financial Institution A Account -8156, to **DAVIES** on or about March 3, 2017.

18. Each of the transfers enumerated in paragraph 17 were completed using the transmission of writings by means of wire communications in interstate commerce.

19. During the operation of Liberty Action Group and Progressive Priorities, TUNSTALL and REYES caused the PACs to file reports containing materially false statements and representations with the FEC, an agency within the jurisdiction of the executive branch.

20. During the operation of Liberty Action Group and Progressive Priorities, TUNSTALL, REYES, and DAVIES used the names of others without their knowledge or permission and forged names on filings to the FEC and on other documents relating to the PACs to conceal and disguise their role in the fraudulent scheme.

21. TUNSTALL and REYES knowingly and intentionally overpaid and relied on refunds from these payments to Company A to launder the proceeds from their fraudulent activities in order to disguise and conceal from the FEC, the public, and donors the nature, source, and ownership of the proceeds of the money they made from contributions to Liberty Action Group and Progressive Priorities that they took for personal gain.

A. Fraud and False Statements through Liberty Action Group

i. Filings with the FEC

22. In and around January 2016, DAVIES, at TUNSTALL's request, recruited Individual 1 to be the nominal director of Liberty Action Group.

23. On or about January 13, 2016, TUNSTALL and REYES caused Liberty Action Group to be registered with the FEC by filing a Statement of Organization. The Statement of Organization identified Individual 1 as PAC Director and Individual 5 as Treasurer. Although Individual 1 was listed as the PAC Director, Individual 1 had no decision-making authority with respect to the PAC. Rather, TUNSTALL and REYES were responsible for all decisions and retained supervisory control of the PAC's activities.

24. Between on or about January 13, 2016 and on or about July 31, 2017, **TUNSTALL** and **REYES** caused Liberty Action Group to file reports with the FEC. These reports contained materially false statements and representations. For example, on or about June 26, 2017, **TUNSTALL** and **REYES** caused Liberty Action Group to falsely report to the FEC a disbursement in the amount of \$30,000 to Company A for “Advertising” on June 21, 2016, when in fact, that same day, Company A transferred \$30,000 to **TUNSTALL**’s and **REYES**’s companies, Modern Media and Supreme Dream.

ii. *Misrepresentations to Potential “Contributors”*

25. **TUNSTALL**, **REYES**, and **DAVIES** caused Liberty Action Group PAC to use Company A’s robocalling platform to solicit money from the public through false and misleading representations, including:

- i. *[Voice of Candidate 1]*: I’m [Candidate 1]. [Candidate 2] will release violent criminals from jail and put innocent Americans at risk. I’m going to put criminals behind bars and guarantee that law-abiding Americans have the right to self-defense. *[Voice of Announcer]*: Your fight to help defeat [Candidate 2] and elect [Candidate 1] starts right now. Why? [Candidate 1] is no longer self-funding and we now need you and millions opposed to [Candidate 2] to invest generously to help elect [Candidate 1] for president. Do your part to make an emergency investment to the campaign by pressing one now. For contributing \$25 or more, we’ll give you a free [Candidate 1] 2016 campaign sticker. Or if you find yourself generously able to give \$1,000 or more, we’ll send you out an exclusive signed photo of [Candidate 1], suitable for framing. So please press 1 right now to make an emergency

investment in the campaign to elect [Candidate 1] for president. Again, please press 1 to make an emergency contribution right now. To unsubscribe, press 9 or call 800-335-6955.

ii. *[Voice of Candidate 1]*: I'm asking you to join me in this next chapter of this unbelievable and unprecedented movement as we work towards prosperity at home, peace abroad, and new frontiers in science, technology, and space. *[Voice of Announcer]*: With less than two days before [Candidate 1] is sworn into office, [Candidate 1] and the [Candidate 1] team need your urgent support to finalize preparations on our 100-day plan to build a wall, repeal Obamacare, and rebuild our infrastructure. To do this, [Candidate 1] needs your help to help fund [Political Party A] by raising the remaining \$4.5 million needed to make sure [Political Party A] is well-funded enough to take on bitter [Political Party B] who will stop at nothing to block anything [Candidate 1]. That is why we must ask you for a generous investment to help [Candidate 1] help fund [Political Party A]. For your generous support, we'll send you a free [Candidate 1] sticker as a way of saying thank you. So please press 1 to donate to help [Candidate 1] to help [Political Party A]. Again, press 1 to donate now. Press 9 to unsubscribe.

iii. *[Voice of Candidate 1]*: I'm [Candidate 1]. We can come back bigger and better and stronger than ever before. *[Voice of Announcer]*: [Candidate 1] needs your urgent support to come back big against crooked [Candidate 2]. To do this, we must hit our emergency fundraising goal before the FEC

deadline. Can we count on you to help make a contribution of your own? [Candidate 1] is going to win because of people like you contributing whatever you can to tear down the corrupt establishment. So please, press 1 to contribute to help us crush our ten million dollar fundraising goal before the FEC end-of-the-month deadline. Again, press 1 to make an emergency contribution to help elect [Candidate 1]. Press 9 to unsubscribe.

26. **TUNSTALL, REYES, and DAVIES** edited and approved the scripts used by live call center operators when individuals who received Liberty Action Group's robocalls agreed to contribute or individuals called into the telephone number provided in radio advertisements disseminated by Liberty Action Group. These scripts occasionally used false and misleading representations. For example, a call center script stated that "100% of your contribution goes to helping to elect [Candidate 1]."

27. **TUNSTALL, REYES, and DAVIES** also caused Liberty Action Group to solicit money online through its website, created by **TUNSTALL** and **REYES**, which falsely described Liberty Action Group as "a federal political committee that makes contributions to federal and state candidates and committees."

28. **TUNSTALL** and **REYES** supervised and directed the activities of **DAVIES**, who placed telephone calls to solicit money through false and misleading representations, including, among other representations, that the money was "for the [Candidate 1] administration."

B. Fraud and False Statements through Progressive Priorities

i. Filings with the FEC

29. In and around May 2016, **DAVIES**, at **TUNSTALL's** direction, recruited Individual 2 to be the nominal head of Progressive Priorities.

30. On or about May 11, 2016, **TUNSTALL** and REYES caused Progressive Priorities to register with the FEC by filing a Statement of Organization. Progressive Priorities identified Individual 2 as the PAC Director and Individual 5 as the Treasurer. Although Individual 2 was identified as the PAC Director, Individual 2 had no decision-making authority with respect to Progressive Priorities. Rather, **TUNSTALL** and REYES were responsible for all decisions and retained supervisory control of the PAC's activities. REYES provided Individual 5 with Individual 2's information, which Individual 5 included in official reports filed with the FEC.

31. In and around November 2016, DAVIES, at **TUNSTALL's** request, recruited Individual 3 to be the nominal head of Progressive Priorities PAC. Individual 3 was later identified as the PAC Director in filings with the FEC, without Individual 3's knowledge of or actual participation in the role. Rather, **TUNSTALL** and REYES continued to be responsible for all decisions and retained supervisory control of the PAC's activities. REYES provided Individual 5 with Individual 3's information, which Individual 5 included in official reports filed with the FEC.

32. Between on or about May 11, 2016 and on or about August 15, 2019, **TUNSTALL** and REYES caused Progressive Priorities to file reports with the FEC. These reports contained materially false statements and representations, including:

- i. On or about October 13, 2016, **TUNSTALL** and REYES caused Progressive Priorities to falsely report to the FEC a disbursement of \$40,000 to Company A for "Advertising" on July 18, 2016, when in fact, the next day, July 19, 2016, Company A transferred \$40,000 to **TUNSTALL** and REYES' companies, Supreme Dream and Modern Media.
- ii. On or about May 1, 2017, **TUNSTALL** and REYES caused Progressive Priorities to file a Form 3X with the FEC reporting no activity in the first

quarter of 2017, when in fact, Progressive Priorities received approximately \$404,065 in contributions during that time period.

- iii. On or about July 31, 2017, TUNSTALL and REYES caused Progressive Priorities to file a Form 3X with the FEC reporting no activity in the second quarter of 2017, when in fact, Progressive Priorities received approximately \$52,231 in contributions during that time period.

ii. ***Misrepresentations to Potential “Contributors”***

33. TUNSTALL, REYES, and DAVIES caused Progressive Priorities PAC to use Company A’s platform to solicit money from the public through false and misleading representations, including:

- i. [*Voice of Candidate 2*]: Like any family, our American family is strongest when we cherish what we have in common and fight back against those who would drive us apart. [*Voice of Announcer*]: Have [Candidate 2]’s back against [Candidate 1] today by investing generously to help elect [Candidate 2] as the first female president in U.S. history. Do your part to make an emergency investment to the campaign by pressing 1 now. For contributing \$25 or more, we’ll give you a free [Candidate 2] 2016 sticker or, if you generously find yourself able to give \$1,000 or more, we’ll send you out an exclusive signed photo of [Candidate 2] herself, suitable for framing. So please, press 1 right now to make an emergency investment in the campaign to elect [Candidate 2] for President. Again, please press 1 to make an emergency contribution right now. To unsubscribe, press 8.

34. TUNSTALL, REYES, and DAVIES provided the scripts used by live call center

operators when individuals who received Progressive Priorities robocalls agreed to contribute. These scripts also used false and misleading representations. For example, a script used by call center operators stated: “Thank you so much for supporting our efforts to ensure [Candidate 2] wins the presidency. I think you know what the alternative is if she doesn’t get in. We’ll work hard to make sure she does.”

35. **TUNSTALL**, REYES, and DAVIES also caused Progressive Priorities to solicit money online through its website, created by **TUNSTALL** and REYES, which falsely described Progressive Priorities as “a federal political committee that makes contributions to federal and state candidates and committees.”

III. Laundering of PAC Funds Through Company A

36. Between on or about June 16, 2016 and on or about April 12, 2017, **TUNSTALL** and REYES overpaid Company A with contributions obtained by the Liberty Action Group and Progressive Priorities PACs and then arranged for Company A to wire the excess funds to bank accounts held by Supreme Dream and Matte Media, both companies owned or controlled by **TUNSTALL**, and Modern Media, a company owned or controlled by REYES. In total, Company A wired approximately \$353,000 to these accounts controlled by **TUNSTALL** and REYES through approximately 22 separate transactions, including the transactions described below.

37. On or about January 30, 2017, **TUNSTALL** sent an email, with the subject “ach request on Dan Democrat Data,” instructing Company A to “please ach \$50,000 from Progressive Priority PAC . . . and send \$25,000 to: Matte Media . . . and send \$25,000 to: . . . MODERN MEDIA.”

38. On or about February 6, 2017, **TUNSTALL**, copying a representative from Company A, sent an email to REYES, writing “Rob, can you print and have director fill out.”

Attached to the email was a Company A Credit/Debit Authorization Form. Later that day, REYES responded to **TUNSTALL** alone: “Is this to get our funds from PPP? Do I sign as [Individual 1] with LAG bank information?” Seven minutes later, REYES sent a copy of the Company A Credit/Debit Authorization Form that purported to bear Individual 1’s signature to **TUNSTALL** and the representative from Company A, with the message, “Is this what you’re looking for?”

39. On or about February 6, 2017, **TUNSTALL** responded to REYES, “No it’s progressive not lag , rob refill out with progressive info.”

40. The following day, on or about February 7, 2017, REYES sent a scanned copy of the Company A Credit/Debit Authorization Form, purportedly bearing Individual 3’s signature, to **TUNSTALL** and the representative from Company A.

41. On or about February 7, 2017, **TUNSTALL** sent an email, with the subject “Urgent-- ACH Request (Existing, Please Finalize Today),” instructing Company A to “[p]lease finalize sending the \$50k that was pulled by sending \$25,000 to: Matte Media . . . and sending \$25,000 to: . . . MODERN MEDIA.”

42. On or about February 7, 2017, Company A transferred approximately \$25,000 to Modern Media. The funds deposited in Modern Media’s bank account were derived by **TUNSTALL** and REYES through fraudulent means in furtherance of their scheme to defraud and obtain money through the operations of Liberty Action Group and Progressive Priorities.

43. On or about February 7, 2017, Company A transferred approximately \$25,000 to Matte Media. The funds deposited in Matte Media’s bank account were derived by **TUNSTALL** and REYES through fraudulent means in furtherance of their scheme to defraud and obtain money through the operations of Liberty Action Group and Progressive Priorities.

44. The transactions described in paragraphs 42 and 43 were designed in whole or in

part to conceal or disguise the nature, source, ownership, and control of the proceeds of the unlawful scheme.

45. The transactions described in paragraphs 42 and 43 affected interstate commerce involving the movement of funds by wire or other means.

DATED: 12 / 02 / 2022

FOR THE DEFENDANT:



Matthew Nelson Tunstall
Defendant

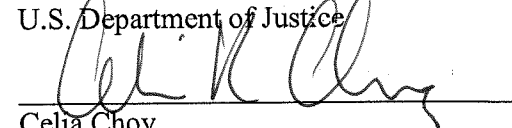


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