

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 23-CR-78

v.

[18 U.S.C. § 371]

JACK DALY,

Defendant.

INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

BACKGROUND ALLEGATIONS

1. At times relevant to this information:

Relevant Persons

- a. Defendant JACK DALY ("DALY") was a resident of Moore County, North Carolina.
- b. N.P. was a resident of Forsyth County, North Carolina.
- c. David Clarke ("Clarke") was the Milwaukee County Sheriff, in the Eastern District of Wisconsin, from approximately March 2002 until approximately August 2017.
- d. Z.Z. was a resident of Forsyth County, North Carolina.

The FEC

- e. The Federal Election Commission ("FEC") is the independent regulatory agency charged with administering and enforcing federal campaign finance laws.
- f. The FEC defines a "political committee" as an entity that meets certain fundraising and expenditure conditions.
- g. A political action committee ("PAC") is a popular term for a political committee that is neither a party committee nor an authorized committee of a candidate.
- h. A draft committee is a political committee that is established solely to encourage an individual to become a candidate for federal office.
- i. The Federal Election Campaign Act ("the Act") requires political committees to register with the FEC. The Act, and regulations promulgated thereunder, enumerate committees' various reporting requirements.
- j. Pursuant to these rules, PAC Treasurers must file complete, accurate, and timely reports and statements; sign all reports and statements; timely deposit receipts in their committee's designated bank; authorize expenditures or appoint an agent to authorize expenditures; monitor contributions to ensure compliance with the Act's limits and

prohibitions; and keep the required records of receipts and disbursements.

The Draft PAC

- k. On or about August 14, 2016, DALY registered the website www.sheriffclarkeforsenate.com.
- l. On or about January 19, 2017, DALY registered the Sheriff David Clarke for U.S. Senate (Official Draft Campaign) Super PAC (the "Draft PAC") with the FEC by submitting a Form 1, Statement of Organization, to the FEC.
- m. In the FEC Form 1 that Daly filed in January 2017, related to the Draft PAC, DALY identified himself as the Draft PAC's Chairman, Treasurer, and Custodian of Records.
- n. The Draft PAC raised approximately \$1.6 million dollars, with its last itemized donation occurring on or about December 2, 2017.
- o. Most of these donations were spent on fundraising activities.

COUNT ONE

(Conspiracy to Violate the Laws of the United States, 18 U.S.C. § 371)

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

2. The allegations set forth above in paragraph one are hereby incorporated in support of the following charge as if set forth in full here.

THE CONSPIRACY AND ITS OBJECTS

3. Beginning on or about July 22, 2017 and continuing until in or about November 2022, in the State and Eastern District of Wisconsin and elsewhere,

JACK DALY

knowingly and willfully conspired with others, known and unknown, to commit offenses against the United States, namely:

- a. to devise and intend to devise a scheme and artifice to defraud and to obtain money and property from their victims by means of materially false and fraudulent pretenses, representations, omissions, and promises, and to deposit and cause to be deposited matters and things to be sent and delivered by the United States Postal Service and other private and commercial interstate carriers, in violation of Title 18, United States Code, Sections 2(a) and 1341; and
- b. to cause the submission of materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of

the executive branch of the government of the United States, in violation of Title 18, United States Code, Sections 2(a) and 1001(a)(2).

ACTS IN FURTHERANCE OF THE CONSPIRACY

4. To further the conspiracy and to effect the objects thereof, Daly and other persons, both known and unknown, performed and caused the performance of the following overt acts, among others not described herein, in the Eastern District of Wisconsin and elsewhere:

Solicitations

- a. On or about August 2, 2017, with knowledge that Clarke had publicly announced he would not run for a U.S. Senate seat and had described the Draft PAC as a “scam PAC,” DALY and N.P. caused the Draft PAC to send a solicitation that falsely represented that (1) “David is willing to run,” and (2) Clarke “will” throw “his hat in the ring.”
- b. On or about September 2, 2017, DALY and N.P. caused the Draft PAC to send a solicitation for funds which falsely represented that Clarke’s “resignation will at long last free him to prepare for a U.S. Senate campaign in earnest — something he was unwilling to do while still taking taxpayer dollars to serve Milwaukee County. That means it’s showtime, folks!”

Statements to Clarke

- c. After Clarke confronted Daly via email about the false and misleading September 2, 2017, solicitation, N.P. drafted a response intended for Clarke on DALY's behalf, which included false representations about the Draft PAC's operations. The draft read, in part: "I stopped putting my money into the draft PAC the day you made reference to a 'scam pac' on Vicky's radio show (a comment that I must confess caught me very much by surprise, and put me in a very awkward place). I also stepped back as the pac's Treasurer and frankly assumed the new crew would be more or less winding things down I of course do have personal connections with the new Treasurer and I will see what I can do." The subject line of this email was: "Clarke Email Response - Fill in the bad guys."
- d. On or about September 2, 2017, DALY sent an email largely derived from N.P.'s draft to Clarke, repeating false representations about the Draft PAC operations.

Statements to the FEC

- e. On or about September 6, 2017, N.P. texted Z.Z., the Draft PAC's intern, to "chat" about "an opportunity to be part of the Clarke project and make a little money in the process."

- f. N.P. and DALY, during a subsequent phone call, told Z.Z. that Z.Z. would receive a "title" with the Draft PAC if they could use Z.Z.'s personal identifiable information, including Z.Z.'s name, in connection with the Draft PAC. Z.Z. agreed.
- g. On or about September 7, 2017, the Draft PAC submitted a new FEC Form 1, Statement of Organization, to the FEC. This FEC Form 1 claimed that Z.Z. was the Draft PAC's Treasurer, replacing DALY. This FEC Form 1 was also post-dated, with a purported effective date of August 28, 2017.
- h. The Draft PAC continued to file submissions with the FEC that represented that Z.Z. was the Draft PAC's Treasurer, through in or about October 2022.

All in violation of Title 18, United States Code, Sections 2(a) and 371.

FORFEITURE NOTICE

5. Upon conviction of the violation of Title 18, United States Code, Section 371, set forth in this Information, the defendant shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense of conviction. The property to be forfeited includes, but is not limited to, a sum of money equal to the proceeds derived from the offense of conviction.

6. If any of the property described above, as a result of any act or omission by a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third person; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).


GREGORY J. HAANSTAD
United States Attorney

Date: Apr. 27, 2023