

PRESS RELEASE

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Trump FCC does political retribution for California GOP lawyers and former Senator Wilson's son - then gets conned

A Proposed \$10 million dollar fine issued last December against a San Diego marketing consultants firm for transmitting a client's political robo calls that spoofed another firm's number causing "harm and injury" was bogus as the purported injured firm has been out of business for 5 years!

San Diego, July 10, 2020 - Marketing Support Systems (MSS) and its owner Kenneth Moser recently responded to and requested the FCC rescind their proposed Notice and Order. "What they allege is completely bogus and is a clear **partisan political prosecution by the Trump administration** and an affront to free political speech that my father fought for in WWII," Moser himself a former elected official said. "I've been doing marketing and political consulting for 30 years and never had any complaints. Had they even bothered to contact me anytime during the investigation, I could have saved them a lot of embarrassment," he added.

The crunch of the FCC's argument comes from a highly questionable declaration provided by Conrad J. Braun, the founder and former owner of HomeyTel Inc. Braun apparently told the FCC that he consults for HomeyTel Inc, now owned by his wife, but gave a declaration to the CA Fair Political Practices Commission that the name is HomeyTel Network, a non-existent entity. "**They got conned by crazy Conrad,**" says Moser. Braun is a two time convicted felon and con man who ran a gold coin scam in the 90's and in addition to being

incarcerated for his crimes has been institutionalized on two different occasions for his mental instabilities and has used insanity pleadings in attempts to lessen his sentencing. His defunct rogue firm had been sued successfully numerous times for illegal commercial robo dialing in violation of the Telephone Consumer Protection Act (TCPA). CNN in early 2004, reported that Braun once showed up to court in a killer bee outfit claiming he had been stung by an illegal investigation. He also has attacked the former Attorney General of Kansas, who put him behind bars. See him here; www.youtube.com/watch?v=U8xeWipGm64



As detailed in MSS's response introduction, the Notice of Apparent Liability for Forfeiture (Notice) and its related Citation and Order (Order), the FCC's investigation went forward at the urging of lawyers for the California Republican Party. This because a political prince, Republican State Assembly Candidate Philip Graham, the stepson of Pete Wilson, a former Republican US Senator, was allegedly denied a win in a hotly contested election because of a message MSS was hired to transmit just days before the election. A local publication, Voice of San Diego, detailed this assertion per footnote #12 in the FCC Notice, stating that **this investigation went forward "...thanks in part to his famous stepfather's connections."** This was made clear when the Chairman of the FCC Ajit Pai, decided personally to step into the political fray admitting so much in the first paragraph of his own statement attached to the Notice, stating that the message, not of MSS's making, "was a malicious smear," passing judgment on the content of the message.

Three weeks before the 2018 primary election, Assembly Candidate Graham was out drinking at his local haunt into the am hours, which according to the local Coast News newspaper he is well known by the bar employees. There he met Nichole Burgan, "who had a history of restraining orders filed against her that accused her of filing false reports," the Coast News also reported. She filed a complaint alleging sexual harassment which was

later disproved. However before that happened, the widely reported allegation against Graham was used against him by numerous unions and others in political mailers, messages and Facebook ads.

Lawyers from the law firm of Bell, McAndrews & Hiltack, LLP, represent Wilson, Graham and the California GOP. Published reports detail they have asked the Federal Communications Commission, the Department of Justice Public Integrity Unit, the Federal Election Commission along with the California Fair Political Practices Commission to launch investigations. “They’ve asked everybody but the Coast Guard to get involved in a state assembly race,” Moser said. Also while the local investigation was in progress, they sent threatening letters to Union PACs to try and stop their political mailers. See <https://californiaglobe.com/section-2/no-justice-yet-for-republican-assembly-candidate-falsely-accused-of-sexual-harassment-during-2018-election/>.

The facts however as detailed in MSS’s response show that numerous assertions listed in the FCC’s Notice are flatly wrong and most importantly the message regarding a criminal complaint and the candidates late night social activities, was emailed to them on behalf of their Client and the order placed **BEFORE** Graham was exonerated regarding the alleged crime. “I’m sorry the guy was falsely accused. It was just bad timing that my client, a relative of one of the other candidates, placed an order to transmit their message, not of my making or my design, which simply highlighted published reports, on Tuesday, May 29, 2018, at 6:50:32 PM – 15 minutes prior to the San Diego Sheriff’s late night exoneration press release,” Moser said. “The bottom line however is that when you’re a candidate for public office, you don’t go out drinking just before the election at 1:30am, where you can run into some cracked bar fly as he did. The real irony for me is that I was hired independently to do positive calls for him two years earlier, in his failed attempt to win a city council seat coming in last place. They’re promoting this as some type of huge conspiracy theory which is absurd,” Moser added. Years ago MSS did calls for Trump advisor Peter Navarro, when he ran for San Diego City Council. “I’ve got friends and clients on both sides of the isle and I don’t judge any ones free political speech,” Moser said.

The Notice alleged that MSS had intent to cause harm by spoofing a purported rival’s phone number. But the FCC apparently failed to do proper due diligence and just presumed that HomeyTel Inc, whose caller ID number was used is a legitimate operating firm. However in actuality it has been a defunct suspended corporation for years! At the time of the calls detailed in the Notice, MSS honestly thought that it was out of business because the Secretary of State for California said it was.

<https://businesssearch.sos.ca.gov/CBS/SearchResults?filing=&SearchType=CORP&SearchCriteria=homeytel&SearchSubType=Keyword> “They have no physical address, their PO address was abandoned, the fax number turned off, they no longer have employees and their phone number is now never directly answered as it was before. We assumed based on the foregoing that it was a dead voice over internet protocol (VOIP) number. This number was used as they had a past history of making hard hitting political calls. We did this at the request of our client so as to protect her identity as she wanted to remain anonymous fearing retribution which was her right under state law for independent expenditures under \$1,000. Chairman Pai and the FCC doing dirty work for the California GOP, got conned by con man Conrad ‘bumble bee man’ Braun,” Moser says.

MSS’s response concludes that, “the FCC completely overstretched its legal mandate and ignored both the 1st amendment protections on political speech for the Order and Notice in addition to the 5th amendment requirements for due process in issuing the Notice. In its conclusion the FCC maintains that MSS “violated the Truth in Caller ID Act by making spoofed calls with the intent to cause harm and wrongfully obtain something of value,” and thus injured HomeyTel Inc by spoofing their number and gained value by messaging voters. But clearly there was no intent by MSS as you can’t harm a long defunct corporation. Also calling voters who willfully provided their phone numbers when they registered to vote with protected political speech plainly doesn’t obtain anything of commercial value.”

Moser has forwarded copies of the complaint and his response to Nancy Pelosi and other members of congress. “In addition to getting conned, the Notice and Order attacking me as a vendor for the content of my client’s speech by Chairman Pai, is outrageous and a clear abuse of power by the Trump administration,” Moser says.

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