

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AUDIT REFERRAL 22-02
 Mike Braun for Indiana and Thomas)
 Datwyler in his official capacity as)
 treasurer)

AMENDED CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on January 24, 2023, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to:
 - a. Open a MUR.
 - b. Find reason to believe that Mike Braun for Indiana and Thomas Datwyler in his official capacity as treasurer failed to accurately report receipts and disbursements in violation of 52 U.S.C. § 30104(b)(2) and (4) and 11 C.F.R. § 104.3(a) and (b).
 - c. Find reason to believe that Mike Braun for Indiana and Thomas Datwyler in his official capacity as treasurer failed to properly disclose loans in violation of 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.3(d)(4).
 - d. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated December 21, 2022.
 - e. Authorize pre-probable cause conciliation with Mike Braun for Indiana and Thomas Datwyler in his official capacity as treasurer.
 - f. Approve the proposed conciliation agreement, as recommended in the First General Counsel's Report dated December 21, 2022.
 - g. Approve the appropriate letters.

Commissioners Broussard, Lindenbaum, and Weintraub voted affirmatively for the motion. Commissioners Cooksey, Dickerson, and Trainor dissented.

2. Failed by a vote of 3-3 to:

Dismiss as an exercise of prosecutorial discretion allegations that Mike Braun for Indiana and Thomas Datwyler in his official capacity as treasurer failed to accurately report receipts and disbursements in violation of 52 U.S.C. § 30104(b)(2) and (4) and 11 C.F.R. § 104.3(a) and (b).

Commissioners Cooksey, Dickerson, and Trainor voted affirmatively for the motion.

Commissioners Broussard, Lindenbaum, and Weintraub dissented.

3. Decided by a vote of 6-0 to:

- a. Open a MUR. MUR 8107
- b. Find reason to believe that Mike Braun for Indiana and Thomas Datwyler in his official capacity as treasurer failed to properly disclose loans in violation of 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.3(d)(4).
- c. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated December 21, 2022, and further direct the Office of General Counsel to make conforming edits to reflect the Commission's findings.
- d. Authorize pre-probable cause conciliation with Mike Braun for Indiana and Thomas Datwyler in his official capacity as treasurer.
- e. Approve the proposed conciliation agreement, as recommended in the First General Counsel's Report dated December 21, 2022, and further direct the Office of General Counsel to make conforming edits to reflect the Commission's findings.
- f. Approve the appropriate letters.

Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.

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Certification for Audit Referral 22-02
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Attest:

Vicktoria J Allen Digitally signed by Vicktoria J
Allen
Date: 2023.01.31 13:41:03 -05'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission