



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

March 15, 2022

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2021 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2021 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2022.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a

preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.

2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2021 YEAR-END Not Election Sensitive 01/31/2022 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4265	C00348540	1199 SERVICE EMPLOYEES INT'L UNION FEDERAL POLITICAL ACTION FUND		HELEN SCHAUB	\$10,723,827	0	2/9/2022	9	\$5,551,417	\$10,801
4266	C00719070	AJA SMITH FOR CONGRESS 2022	AJA SMITH	AJA SMITH	\$234,984	0		Not Filed	\$78,328 (est)	\$5,563
4267	C00197103	AUTOMOBILE CLUB OF MICHIGAN POLITICAL ACTION COMMITTEE		KEVIN GAWRONSKI	\$307,354	0	2/14/2022	14	\$160,210	\$4,606
4268	C00723270	BRAD BARRON FOR US SENATE	STEPHEN BRADLEY BARRON	JILL M. BARRON	\$128,788	6		Not Filed	\$128,788 (est)	\$17,885
4269	C00784041	DREW-MONTEZ CLARK FOR CONGRESS	DREW-MONTEZ CLARK	DREW-MONTEZ CLARK	\$104,462	0	2/18/2022	18	\$50,862	\$2,638
4270	C00717025	EMILY ROBINSON FOR CONGRESS	EMILY ROBINSON	EMILY ROBINSON	\$120,240	8		Not Filed	\$120,240 (est)	\$21,462
4271	C00591537	FRIENDS FOR MIKE WEBB	MIKE WEBB	MIKE WEBB	\$203,047	3		Not Filed	\$203,047 (est)	\$18,081
4272	C00763995	FRIENDS OF BARBARA SHARIEF FOR CONGRESS	BARBARA SHARIEF	SUZETTE SPALDING	\$1,591,756	0		Not Filed	\$530,585 (est)	\$15,101
4273	C00736736	GEORGE MITRIS FOR CONGRESS	GEORGE MITRIS	THOMAS COSTA	\$145,106	5		Not Filed	\$145,106 (est)	\$16,096
4274	C00765347	GREG LIRETTE FOR CONGRESS	GREGORY LIRETTE	KEVIN KITCHEN	\$144,587	2		Not Filed	\$144,587 (est)	\$10,731
4275	C00732875	JIMMY RODRIGUEZ FOR CONGRESS	JIMMY RODRIGUEZ	JIMMY RODRIGUEZ	\$614,521	6		Not Filed	\$614,521 (est)	\$39,742
4276	C00766642	MATT BERG FOR CONGRESS	MATTHEW RICHARD BERG	GERALD D. GUNN	\$232,836	0		Not Filed	\$77,612 (est)	\$5,563
4277	C00749069	OUR BLACK PARTY		BETTY CRICHLow-EBERHARDT	\$155,353	0	2/7/2022	7	\$52,088	\$1,318
4278	C00776518	PEOPLE FOR ELVIN DOWLING	ELVIN DOWLING	ELVIN DOWLING	\$159,623	0		Not Filed	\$53,208 (est)	\$4,292
4279	C00769828	PEOPLE NOT PROFITS		CIARA CRUZ	\$346,162	0	2/8/2022	8	\$345,332	\$4,921
4280	C00729624	REBA FOR CONGRESS	REBA SHERRILL	BRYON FREDRICK MCCOMB	\$400,168	5		Not Filed	\$400,168 (est)	\$32,188
4281	C00360669	SOUTHWEST AIRLINES PILOTS' ASSOCIATION POLITICAL ACTION COMMITTEE (SWAPA PAC)		TOM NEKOU EI	\$636,576	0	3/8/2022	*Not Filed	\$230,588	\$10,332

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4282	C00522458	TOGETHER WE THRIVE		CHRISTOPHER ZULLO	\$104,451	3		Not Filed	\$104,451 (est)	\$12,519
4283	C00002840	UAW - V - CAP (UAW VOLUNTARY COMMUNITY ACTION PROGRAM) 'INT'L UNION UNITED AUTOMOBILE AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA UAW		FRANK STUGLIN	\$10,253,004	1	2/11/2022	11	\$5,670,144	\$14,293
4284	C00616912	WOMEN VOTE SMART		AMY S. KREMER	\$145,616	5		Not Filed	\$145,616 (est)	\$16,096

* The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Reason To Believe Recommendation - 2021)	
Year-End Report for the Administrative)	
Fine Program:)	
1199 SERVICE EMPLOYEES INT'L	)	AF# 4265
UNION FEDERAL POLITICAL ACTION)	
FUND, and SCHAUB, HELEN as)	
treasurer;)	
AJA SMITH FOR CONGRESS 2022, and	)	AF# 4266
SMITH, AJA as treasurer;)	
AUTOMOBILE CLUB OF MICHIGAN	)	AF# 4267
POLITICAL ACTION COMMITTEE, and)	
GAWRONSKI, KEVIN as treasurer;)	
BRAD BARRON FOR US SENATE, and	)	AF# 4268
BARRON, JILL M as treasurer;)	
DREW-MONTEZ CLARK FOR	)	AF# 4269
CONGRESS, and CLARK, DREW-)	
MONTEZ as treasurer;)	
EMILY ROBINSON FOR CONGRESS,	)	AF# 4270
and ROBINSON, EMILY as treasurer;)	
FRIENDS FOR MIKE WEBB, and WEBB,	)	AF# 4271
MIKE as treasurer;)	
FRIENDS OF BARBARA SHARIEF FOR	)	AF# 4272
CONGRESS, and SPALDING, SUZETTE)	
as treasurer;)	
GEORGE MITRIS FOR CONGRESS, and	)	AF# 4273
COSTA, THOMAS as treasurer;)	
GREG LIRETTE FOR CONGRESS, and	)	AF# 4274
KITCHEN, KEVIN as treasurer;)	
JIMMY RODRIGUEZ FOR CONGRESS,	)	AF# 4275
and RODRIGUEZ, JIMMY as treasurer;)	
MATT BERG FOR CONGRESS, and	)	AF# 4276
GUNN, GERALD D as treasurer;)	
OUR BLACK PARTY, and CRICHLOW-	)	AF# 4277
EBERHARDT, BETTY as treasurer;)	
PEOPLE FOR ELVIN DOWLING, and	)	AF# 4278
DOWLING, ELVIN as treasurer;)	
PEOPLE NOT PROFITS, and CRUZ,	)	AF# 4279
CIARA as treasurer;)	
REBA FOR CONGRESS, and MCCOMB,	)	AF# 4280
BRYON FREDRICK as treasurer;)	

SOUTHWEST AIRLINES PILOTS'	)	AF# 4281
ASSOCIATION POLITICAL ACTION)	
COMMITTEE (SWAPA PAC), and)	
NEKOUEI, TOM CAPTAIN as treasurer;)	
TOGETHER WE THRIVE, and	)	AF# 4282
CHRISTOPHER ZULLO as treasurer;)	
UAW - V - CAP (UAW VOLUNTARY	)	AF# 4283
COMMUNITY ACTION PROGRAM))	
'INT'L UNION UNITED AUTOMOBILE)	
AEROSPACE & AGRICULTURAL)	
IMPLEMENT WORKERS OF AMERICA)	
UAW, and STUGLIN, FRANK as)	
treasurer;)	
WOMEN VOTE SMART, and KREMER,	)	AF# 4284
AMY S as treasurer;)	

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on March 16, 2022 the Commission took the following actions on the Reason To Believe Recommendation - 2021 Year-End Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated March 15, 2022, on the following committees:

AF#4265 Decided by a vote of 6-0 to: (1) find reason to believe that 1199 SERVICE EMPLOYEES INT'L UNION FEDERAL POLITICAL ACTION FUND, and SCHAUB, HELEN in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4266 Decided by a vote of 6-0 to: (1) find reason to believe that AJA SMITH FOR CONGRESS 2022, and SMITH, AJA in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4267 Decided by a vote of 6-0 to: (1) find reason to believe that AUTOMOBILE CLUB OF MICHIGAN POLITICAL ACTION COMMITTEE, and GAWRONSKI, KEVIN in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4268 Decided by a vote of 6-0 to: (1) find reason to believe that BRAD BARRON FOR US SENATE, and BARRON, JILL M in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4269 Decided by a vote of 6-0 to: (1) find reason to believe that DREW-MONTEZ CLARK FOR CONGRESS, and CLARK, DREW-MONTEZ in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4270 Decided by a vote of 6-0 to: (1) find reason to believe that EMILY ROBINSON FOR CONGRESS, and ROBINSON, EMILY in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4271 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS FOR MIKE WEBB, and WEBB, MIKE in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4272 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF BARBARA SHARIEF FOR CONGRESS, and SPALDING, SUZETTE in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4273 Decided by a vote of 6-0 to: (1) find reason to believe that GEORGE MITRIS FOR CONGRESS, and COSTA, THOMAS in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4274 Decided by a vote of 6-0 to: (1) find reason to believe that GREG LIRETTE FOR CONGRESS, and KITCHEN, KEVIN in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4275 Decided by a vote of 6-0 to: (1) find reason to believe that JIMMY RODRIGUEZ FOR CONGRESS, and RODRIGUEZ, JIMMY in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4276 Decided by a vote of 6-0 to: (1) find reason to believe that MATT BERG FOR CONGRESS, and GUNN, GERALD D in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4277 Decided by a vote of 6-0 to: (1) find reason to believe that OUR BLACK PARTY, and CRICHLow-EBERHARDT, BETTY in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4278 Decided by a vote of 6-0 to: (1) find reason to believe that PEOPLE FOR ELVIN DOWLING, and DOWLING, ELVIN in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4279 Decided by a vote of 6-0 to: (1) find reason to believe that PEOPLE NOT PROFITS, and CRUZ, CIARA in their official capacity as treasurer, violated 52 U.S.C.

§ 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4280 Decided by a vote of 6-0 to: (1) find reason to believe that REBA FOR CONGRESS, and MCCOMB, BRYON FREDRICK in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4281 Decided by a vote of 6-0 to: (1) find reason to believe that SOUTHWEST AIRLINES PILOTS' ASSOCIATION POLITICAL ACTION COMMITTEE (SWAPA PAC), and NEKOU EI, TOM CAPTAIN in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4282 Decided by a vote of 6-0 to: (1) find reason to believe that TOGETHER WE THRIVE, and CHRISTOPHER ZULLO in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4283 Decided by a vote of 6-0 to: (1) find reason to believe that UAW - V - CAP (UAW VOLUNTARY COMMUNITY ACTION PROGRAM) 'INT'L UNION UNITED AUTOMOBILE AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA UAW, and STUGLIN, FRANK in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4284 Decided by a vote of 6-0 to: (1) find reason to believe that WOMEN VOTE SMART, and KREMER, AMY S in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission
Certification for Administrative Fines
March 16, 2022

Attest:



March 17, 2022
Date

Vicktoria J Allen Digitally signed by Vicktoria J Allen
Date: 2022.03.17 17:21:18 -04'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

March 18, 2022

Mike Webb, in official capacity as Treasurer
Friends for Mike Webb
955 S Columbus St.
#426
Arlington, VA 22204

C00591537
AF#: 4271

Dear Mr. Webb,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period October 1, 2021 through December 31, 2021, shall be filed no later than January 31, 2022. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On March 16, 2022, the FEC found that there is reason to believe ("RTB") that Friends for Mike Webb and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before January 31, 2022. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$18,081. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 C.F.R. § 111.34. Your payment of \$18,081 is due within forty (40) days of the finding, or by April 25, 2022, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$203,047
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 3

At this juncture, the following courses of action are available to you:

FRIENDS FOR MIKE WEBB

Page 2 of 5

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or April 25, 2022. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

Please note, all challenges to an RTB finding and/or calculated civil money penalty should be converted to PDF (Portable Document Format) and emailed to administrativefines@fec.gov. The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date they are electronically received by staff.

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). For a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 C.F.R. § 111.38.

FRIENDS FOR MIKE WEBB

Page 3 of 5

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address, and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Friends for Mike Webb and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section

FRIENDS FOR MIKE WEBB

Page 4 of 5

2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 C.F.R. § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll-free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll-free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,



Allen J. Dickerson
Chairman

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$18,081 for the 2021 Year-End Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Ben Holly in the Reports Analysis Division at our toll-free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: Friends for Mike Webb

FEC ID#: C00591537

FRIENDS FOR MIKE WEBB

Page 5 of 5

AF#: 4271

PAYMENT DUE DATE: April 25, 2022

PAYMENT AMOUNT DUE: \$18,081

AF# 4271

Federal Elections Commission

Friends for Mike Webb, ID: C00591537

Appellant

*On Petition for Appeal of Reason to Believe (RTB) Ruling, March 18, 2022
Year-End Report for Period October 1, 2021 to December 31, 2021*

RESPONSE FOR ADMINISTRATIVE REVIEW

Major Mike Webb
Treasurer
Friends for Mike Webb
955 S. Columbus Street, # 426
Arlington, Virginia 22204
Telephone: (856) 220-1354
Email: GiveFaithATry@gmail.com

Waiver of Confidentiality

Petitioner, the undersigned, waives a right to confidentiality, in the greater public interest and in redress for the overriding and compelling interest of freedom of speech.

Restatement Reason to Believe (RTB)

By correspondence, dated March 18, 2022, the Federal Elections Commission (FEC) had found reason to believe that Friends for Mike Webb, ID: C00591537, hereinafter referred to as “the Committee”, not file a report covering the period October 1, 2021 through December 31, 2021 no later than January 31, 2022, in accordance with 52 U.S.C. § 30104(a), and had assessed a civil money penalty of \$18,081, based upon a Level of Activity determined to be \$203,047, due no later than April 25, 2022. And, the FEC will consider challenges only based upon a factual error in the finding, a miscalculation of the civil money penalty or a demonstration of best efforts to timely file, prevented by reasonably unforeseen circumstances that were beyond an appellant’s control.

In-Kind Contributions

Under 11 CFR § 100.113, “[a]n independent expenditure that meets the requirements of 11 CFR 104.4 or part 109 is an expenditure, and such independent expenditure is to be reported by the person making the expenditure in accordance with 11 CFR 104.4 and part 109.” And furthermore, generally, “[i]n addition to contributing money, a nonconnected committee may donate goods or services to candidates and their committees”, and “[g]ifts of goods or services are called in-kind contributions”, to include gifts of “consulting, polling or printing services provided to a candidate committee”; donations of “office supplies or mailing lists to a campaign”, sponsoring “a fundraising event benefiting a candidate” or paying “for a campaign advertisement on behalf of a candidate (if the advertisement does not qualify as an independent expenditure).” Staff, “Making in-kind contributions to candidates,” *FEC*, <https://www.fec.gov/help-candidates-and-committees/making-disbursements-pac/making-kind-contributions-candidates/> (accessed April 20, 2022).

Under these provisions, “[t]he dollar value of an in-kind contribution is subject to limits and must be reported”, and the valued of goods donated as an in kind contribution, to include “equipment, supplies, facilities and mailing lists” are required to be “valued at their normal purchase or rental price”, while for services, to include “advertising, printing or consulting”, are required to be “valued at the prevailing commercial rate at the time the services are rendered (*i.e.*, the amount that was paid or would have been paid for the services).” *Id.*

Specifically, an in-kind contribution is defined as “[a] contribution of goods, services or property offered free or at less than the usual and normal charge, and “[t]he term also includes payments made on behalf of, but not directly to, candidates and political committees (except for independent expenditures or non-coordinated communications)” in accordance with 11 CFR 100.52(d), which provides that that “[f]or purposes of paragraph (d)(1) of this section, usual and normal charge for goods means the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution; and usual and normal charge for any services, other than those provided by an unpaid volunteer, means the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.”

Of record, the Petitioner, the Candidate identified for the Committee, made a total of 552 entries that had been recorded as in kind contributions, recorded at a fair market value, as is in evidence in the record, for which the FEC found reason to believe a year end report had not been filed, as required under 52 U.S.C. § 30101, *et seq.*

Factual Error

Under the RTB, FEC has at least stated that it will consider challenges only based upon a factual error in the finding, a miscalculation of the civil money penalty or a demonstration of best efforts to timely file, prevented by reasonably unforeseen circumstances that were beyond an appellant’s control, and under 52 U.S.C. § 30101, Petitioner in no reasonably way

might be described to conform to the definitions of a citizen or candidate seeking election to Federal office, especially having made neither any contribution nor expenditure that may have affected any federal election, as defined under the controlling regulation, making any civil money penalty improper.

Not a Citizen

While impossibility, at least in the contracts of the Commonwealth, is “merely a matter of excuse for non-performance”, *Potts v. Mathieson Alkali Works*, 165 Va. 196 (1935), in *People v. Horton*, 2016 IL App (2d) 141059-U, 2016 WL 5930304, one court had determined that “Defendant’s alibi was ‘iron clad’ because it would be a physical impossibility for defendant to have committed the offense.” *But see Loudoun Hosp. Ctr. v. Stroube*, 50 Va.App. 478 (2007) (“While LHC conceded at oral argument there was no evidence of direct influence exerted on the Commissioner or hearing officer, nevertheless, as in *West*, LHC argues that it was likewise impossible for the Commissioner to render a fair decision under the circumstances of this case”) And, pursuant to Article I, Section 2, “[n]o person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.”

In the matter *U.S. v. The Amistad*, 40 U.S. 518 (1841), the Court determined that “all persons within the limits of a State are entitled to the protection of its laws” and that “[w]hen the *Amistad* arrived, she was in possession of the negroes, asserting their freedom, and in no sense could they possibly intend to import themselves here, as slaves or for sale as slaves.”

Nonetheless, recent opinions from the nation’s highest court have reiterated the longstanding rule that the *Constitution* “permits Congress to ‘treat [even] Puerto Rico differently from States so long as there is a rational basis for its actions.’” *U.S. v. Vaello*

Madero, 596 U. S. ____ (2022) (quoting *Harris v. Rosario*, 446 U.S. 651 (1980))¹. And, as observed recently in *Hawkins v. Grese*, 68 Va. App. 462 (2018):

The United States Supreme Court in *United States v. Carolene Prods. Co.*, 304 U.S. 144, 58 S.Ct. 778, 82 L.Ed. 1234 (1938), introduced the concept that challenges to constitutionality of a statute or a state action should be judged under a tiered review system, with “narrower scope for operation of the presumption of constitutionality when legislation appears on its face to be within a specific prohibition of the Constitution.” *Id.* at 152 n.4, 58 S.Ct. at 783 n.4. This footnote has evolved into the modern three-tiered constitutional review standard in which by default the laxest standard, rational basis review, applies. The highest standard, strict scrutiny, applies where “[w]here certain ‘fundamental rights’ ” are involved, and requires that legislation or actions “limiting these rights may be justified only by a ‘compelling state interest,’ ” requiring legislation and action “must be narrowly drawn to express only the legitimate state interests at stake.” *Roe v. Wade*, 410 U.S. 113, 155, 93 S.Ct. 705, 728, 35 L.Ed.2d 147 (1973). Such fundamental rights include not only those listed in the *Bill of Rights* but additional implied rights protected by the *Fourteenth Amendment*.

And, at least under the *Fourteenth Amendment*, applicable only to the several and separate states, the “equal protection guarantee ‘commands that no state shall deny to any person within its jurisdiction the equal protection of the laws’” *Price v. Lighthart*, No. 1:10-CV-265, 2010 WL 1741385, at *1–3 (W.D. Mich. Apr. 28, 2010) (quoting *Club Italia Soccer & Sports Org., Inc. v. Charter Township*, 470 F.3d 286, 298 (6th Cir.2006) (internal quotation marks omitted)), and “[t]o establish a claim for relief under the *Equal Protection Clause*, a plaintiff must demonstrate that the government treated the plaintiff disparately as compared to similarly situated persons and that such disparate treatment either burdens a fundamental right, targets a suspect class, or has no rational basis.” *Ibid.* (citing *Club Italia Soccer & Sports Org., Inc.*, 470 F.3d, at 286). See also *Henry v. Metropolitan Sewer Dist.*, 922 F.2d 332 (6th Cir.1990) (“To state a claim under the *Equal Protection Clause*, a § 1983

¹ “In *Califano v. Torres*, the Court addressed whether Congress’s decision not to extend Supplemental Security Income to Puerto Rico violated the constitutional right to interstate travel. 435 U. S. 1 (1978) (*per curiam*). Applying the deferential rational-basis test, the Court upheld Congress’s decision. The Court explained that Congress had exempted residents of Puerto Rico from federal taxes. And the Court concluded that Congress could likewise treat residents of Puerto Rico differently from residents of the States in the Supplemental Security Income benefits program. *Id.*, at 3–5, and n. 7.” *Id.*

plaintiff must allege that a state actor intentionally discriminated against the plaintiff because of membership in a protected class.”).

Yet, under 42 U.S.C. § 1983, “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the *deprivation of any rights, privileges, or immunities secured by the Constitution and laws*, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.”

Moreover, under 42 U.S.C. § 552(a)(6)(C)(i), “[a]ny person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph”, and under the *Freedom of Information Act (FOIA)*, 42 U.S.C. § 552(a)(4)(B), “[o]n complaint, the district court of the United States. . . has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.”

In accordance with 42 U.S.C. § 552(a)(4)(C), “[n]otwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.”

However, on March 7, 2022, notwithstanding the rule that “[i]t is emphatically the province and duty of the judicial department to say what the law is’,” *U.S. v. Nixon*, 418 U.S. 683 (1974) (quoting *Marbury v. Madison*, 1 Cranch 137 (1803)), the nation’s highest court referred back to the Fourth Circuit a matter raised under the *FOIA*, as well as under the

Freedom of Access to Clinic Entrances (FACE) Act, 18 U.S.C. § 248(a)(2), matters that have been pending on appeal, without reply from Appellees, since December.

Hence, in the absence of a rational basis yet to be articulated, for purposes of the being a candidate for Congress, Petitioner is not a citizen, as described in Article 1, Section 2, and/or, in the alternative a person, within the limits of a State are entitled to the protection of its laws”, *The Amistad*, 40 U.S., at 518, and the civil money penalty does not apply to his activity.

“Fun Town Is Closed to Colored Folks”

Concurring in the opinion of the majority, the Negro Justice on the nation’s highest court had recently observed in an unpopular case, but acknowledged to have been rightly decided, *Vaello Madero*, 596 U. S. at ____ (Thomas concurring)², the concurrence wrote:

Until the middle of the 20th century, this Court consistently recognized that the *Fifth Amendment* “contains no equal protection clause and it provides no guaranty against discriminatory legislation by Congress.” *Detroit Bank v. United States*, 317 U. S. 329, 337 (1943); *see also LaBelle Iron Works v. United States*, 256 U. S. 377, 392 (1921). However, the Court did maintain that the *Fifth Amendment’s Due Process Clause* prohibited “such discriminatory legislation by Congress as amounts to a denial of due process,” *i.e.*, legislation that would fail rational-basis review. *Hirabayashi v. United States*, 320 U. S. 81, 100, 102 (1943).

In *Bolling v. Sharpe*, 347 U. S. 497 (1954), the Court began in earnest to fold an “equal protection” guarantee into the concept of “due process.” Decided the same day as *Brown v. Board of Education*, 347 U. S. 483 (1954), *Bolling* confronted the constitutionality of government-imposed segregation in the District of Columbia’s public schools. Because any such segregation was attributable to Congress, *see* U. S. Const., Art. I, §8, cl. 17, rather than state action, the *Equal Protection Clause* did not apply. *Bolling* instead read

² “But “[t]he notion that a constitutional provision that guarantees only ‘process’ before a person is deprived of life, liberty, or property could define the substance of those rights strains credulity for even the most casual user of words.” *McDonald v. Chicago*, 561 U. S. 742, 811 (2010) (THOMAS, J., concurring in part and concurring in judgment). Rather, ““considerable historical evidence supports the position that “due process of law” was a separation-of-powers concept designed as a safeguard against unlicensed executive action, forbidding only deprivations not authorized by legislation or common law.”” *Johnson v. United States*, 576 U. S. 591, 623 (2015) (THOMAS, J., concurring in judgment) (quoting D. Currie, *The Constitution in the Supreme Court: The First Hundred Years 1789–1888*, p. 272 (1985)); *see also In re Winship*, 397 U. S. 358, 378–382 (1970) (Black, J., dissenting). And, to the extent that the *Due Process Clause* restrains the authority of Congress, it may, at most, prohibit Congress from authorizing the deprivation of a person’s life, liberty, or property without providing him the “customary procedures to which freemen were entitled by the old law of England.” *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U. S. 1, 28 (1991) (Scalia, J., concurring in judgment) (internal quotation marks omitted); *see also Murray’s Lessee v. Hoboken Land & Improvement Co.*, 18 How. 272 (1856). Either way, the *Fifth Amendment’s* text and history provide little support for modern substantive due process doctrine.” *Id.*

an equal protection principle into the *Fifth Amendment*'s requirement that “[n]o person shall . . . be deprived of life, liberty, or property, without due process of law.” See 347 U. S., at 498–500.

African Americans, woefully, in the aggregate, and particularly in the South, have been described as “ignorant, superstitious and doubtful,” Margaret Sanger, *Letter to Dr. C.J. Gamble*, December 10, 1939, finding even one Virginia jurist noting in capital case arising under the removal statute, where the reviewing court, in liberal construction, even went so far as to grant grace upon the attorney who had attempted to remove to the wrong court, stating of the trial record: “There was enacted before them a scene that could not be transmitted to this court.” *Patterson v. Commonwealth*, 139 Va. 589, 123 S.E. 657 (1924)³, but Webb trusts “that you are men of genuine good will and that. . . [any] criticisms. . . [may be] sincerely set forth”. Martin Luther King, Jr., *Letter from a Birmingham Jail*, April 16, 1963.

Yet, and still, even in suburban communities just across the Potomac where it is not uncommon to see a yard sign boasting that “black lives matter,” prominently displayed, despite being a predominantly White neighborhood, where the expectation is that, like 87% of African Americans voted reliably for the current President, Kenya Evelyn, “How Black voters lifted Biden’s bid for the White House,” *The Guardian*, November 6, 2020, residing amongst those who profess to promote the dream that a man might one day be “judged by the content of his character and not be the color of his skin”, Martin Luther King, Jr., *I Have a Dream*, August 28, 1963, an African American who fails to conform to a stereotype is even

³ “The plaintiff in error is a negro. He was indicted for killing a man whom the negro witnesses describe as the “Jew,” was tried, convicted of murder of the first degree, and sentenced to be electrocuted. Most of the witnesses for and against him were also negroes, and a very ignorant set. Some of them were unable to tell their ages, or the time by the clock, and one of them could not tell whether five minutes or ten minutes were the longer time. Many of their statements seemed highly improbable, and they had very inadequate ideas of time or distance, and yet they did not hesitate to give their opinions on the time of day or night when events occurred, or the distance of one place from another. It was chiefly with reference to such matters that their statements were confused or contradictory. When confronted with inconsistent statements in their testimony and asked which was correct, several of them answered both, and one of those who gave such an answer was a preacher, who was supposed, at least, to be better educated than the rank and file of his race. The jury who saw their demeanor on the stand and heard them testify were far better qualified to ascertain the facts than this court can be from simply reading the printed record. There was enacted before them a scene that could not be transmitted to this court.” *Id.*

described in the press as possessing an “unusual profile”, and Micah Edmond, despite attendance at Williams College, Patricia Sullivan, “Unusual candidate Micah Edmond carries torch for GOP in Va. congressional race,” *Washington Post*, October 25, 2014, sharing an *alma mater*, with the incumbent Member of Congress, was once poor, having “felt the sting of want”, Alexis de Toqueville, *Democracy in America, Book I* (1831); so, might fairly be described, in aspiration, as a “dream candidate” for Republicans — in a more competitive district”, Patricia Sullivan, “Unusual candidate Micah Edmond carries torch for GOP in Va. congressional race,” *supra*, conforming to, at least, some paradigm with which most might find familiarity. Peter D, “Privilege/Class/Social Inequalities Explained in a \$100 Race - Please Watch to the End. Thanks,” *YouTube*, October 14, 2017, <https://youtu.be/4K5fbQ1-zps> (accessed June 15, 2021), but, as a third generation from slavery, third generation college graduate, third generation military officer, sharing a spiritual mentor with Rev. King, having been the childhood protégé of Hurricane Carter’s criminal defense attorney, having found the former Vicar of Manhattan as a family friend, being the godson of the first African American House Majority Whip and former President of the United Negro College Fund, having a maternal great grandfather who had immigrated through Ellis Island to escape the Holocaust, a grandfather who was a franchise martyr, the most common reaction to Webb’s rich and privileged past is that it was a creation of an insane mind or simply a lie, and finding even his recent political foray met with prognostications of doom for a candidate with a euphemistically minimalist “colorful past”, and not even posting a picture of his expected to be “coronated” opposition above the article announcing his qualification for the ballot. Scott McCaffery, “Two candidates end up on Arlington School Board ballot,” *Inside NOVA*, June 9, 2021.

And yet, by empirical measure, in the aggregate, even the Virginia Governor, who, defying the socio-political preferences of his native county, before a public health crisis had

boasted of attendance at a predominantly black Protestant church, travelling at least 40 miles to attend, Marc Fisher, Beth Reinhard & Arelis R. Hernández, “On Virginia’s rural Eastern Shore, Northam’s views of race took root,” *Washington Post*, February 9, 2019, an ubiquitous God notwithstanding, Charlie Spiering, “Gov. Ralph Northam Tightens Coronavirus Restrictions: You Don’t Have to Sit In Church for God to Hear Your Prayers,” *Breitbart*, December 10, 2020, has conceded that “[a]cademic achievement gaps are persistent and growing in Virginia, for students of color, economically disadvantaged students, and students with disabilities”, and 40% “of Virginia’s public pre-K-12 students are economically disadvantaged, and 13 percent are learning English, according to Fall 2019 reports on student demographics.” Alena Yarmosky, “Governor Northam Proposes \$1.2 Billion Investment in K-12 Education,” *Virginia Governor*, December 16, 2019.

The most reliable African American voter, Lauren Victoria Burke, “Black Voters Are the Cornerstone of the Democratic Party and The Most Reliable Voting Block,” *Style Magazine*, February 14, 2020, have been described as unparalleled in their trust for the press, “more likely to feel connected to their main source of news”, perceiving “news media’s watchdog role is seen as more of a necessary check among black adults than among whites”, “less concerned about made-up news than other national issues” and “prefer getting their news from TV”, despite an acknowledge low representation of other African Americans in network news. Sarah Atske, “7 facts about black Americans and the news media,” *Pew Research Center*, August 7, 2019, viewing as much at twice as much television as any other American, Amy Watson, “Media consumption among ethnic groups in the U.S. - Statistics & Facts,” *Statista*, November 28, 2019⁴, and in a public health crisis year, “’911’ was the leading broadcast TV program among African-Americans in the United States, with 1.35 million

⁴ “Black/African-American consumers spend an average of 3.55 hours per day watching TV, while Asian and Hispanic average around 1.75 and 2.45 hours per day respectively.” *Id.*

African-American viewers in the week of January 25, 2020”, while “[s]itcom ‘The Neighborhood’ came second, reaching 1.19 million TV viewers.” Julia Stoll, “Most watched primetime broadcast TV programs among African-Americans in the U.S. 2021,” *Statista*, April 7, 2021.

Even one female, African American, by statistics, the most educated amongst that demographic cohort, Rachael Davis, “New Study Shows Black Women Are Among The Most Educated Group In The United States,” *Essence*, October 27, 2020 (“Information collected about the higher education among African-Americans between 2009 and 2010 shows that Black women accounted for 68 percent of associate’s degrees, 66 percent of bachelor’s degrees, 71 percent of master’s degrees and 65 percent of doctorate degrees awarded to Black students during that time frame”), and strategist for the current President’s campaign, in which his goal was to exceed the vote of the first African American President, amongst that constituency, or any Samuel Osborne, “Black women become most educated group in US,” *Independent (UK)*, June 3, 2016⁵, stated bluntly, “Even when we’re suppressed, depressed, or misinformed, we still show up.” Kenya Evelyn, “How Black voters lifted Biden's bid for the White House,” *supra*. *But see* Adam Serwer, “The Myth of the Kindly General Lee,” *The Atlantic*, June 4, 2017 (“In the letter, he describes slavery as “a moral & political evil,” but goes on to explain that: I think it however a greater evil to the white man than to the black race, & while my feelings are strongly enlisted in behalf of the latter, my sympathies are more strong for the former.”)

Accordingly, it is not reasonably surprising to discover that “[p]oor African-Americans have worse health outcomes than whites, but disparities also exist for blacks who earn six

⁵ “Black women are now the most educated group in US, according to the National Center for Education Statistics. Between 2009 and 2010, black women earned 68 per cent of associate’s degrees, 66 per cent of bachelor’s degrees, 71 per cent of master’s degrees and 65 per cent of all doctorate degrees awarded to black students.” *Id.*

figures, research suggests.” Ruben Castenada, “How Being Black in America Is Bad for Your Health,” *U.S. News & World Report*, July 26, 2018.

Moreover, defying saturation levels of coverage, one should not require to become “woke”, *see generally* Michael Ruiz, “What does ‘woke’ mean?” *Fox News*, May 30, 2021, to learn that “Barbecued pork or fried chicken served with a heaping side of mac and cheese or creamy potato salad, sweet tea and peach cobbler — these Southern classics, loaded with as much history as flavor, have become comfort foods for Americans from all over”, contributing to hypertension. Maanvi S. Singh, “Southern Diet Blamed For High Rates Of Hypertension Among Black Americans,” *NPR*, October 2, 2018.

And few would challenge a major New York City business publication when it states the unsustainable equation of abortion, under Darwin’s theory of natural selection:

What’s not in doubt is the outsize toll that abortion has taken on the black population post-Roe. In New York City, thousands more black babies are aborted than born alive each year, and the abortion rate among black mothers is more than three times higher than it is for white mothers. According to a city Health Department report released in May, between 2012 and 2016 black mothers terminated 136,426 pregnancies and gave birth to 118,127 babies. By contrast, births far surpassed abortions among whites, Asians and Hispanics. Jason L. Riley, “Let’s Talk About the Black Abortion Rate,” *WSJ*, July 10, 2018.

Accordingly, with regard to what is called endeavor to recognize sexual freedom, it remains a fact that, for these empirically less than discerning, less than affluent and less than educated demographic, national public health authorities have noted that “Black/African Americana people account for a higher proportion of new HIV diagnoses[footnote omitted] and people with HIV, compared to other races and ethnicities” or that “[i]n 2018, Black/African Americanc people accounted for 13% of the US population[footnote omitted] but 42% (16,002) of the 37,968 new HIV diagnoses in the United States and dependent

areas[footnote omitted].” Staff, “HIV and African American People,” *CDC*, January 20, 2021, <https://www.cdc.gov/hiv/group/raciaethnic/africanamericans/index.html> (accessed June 15, 2021).

And, on the culmination of world leaders from developed nations convening in person to focus upon for tackling the main issues of the age and reach agreement on a series of topics chosen by the host”, Ben Glaze, “Who is in the G7? Countries and leaders coming to the 2021 Cornwall summit,” *The Mirror*, June 8, 2021, and where the “main topic of conversation for the rest of the summit is Covid recovery, including ‘a stronger global health system that can protect us all from future pandemics’,” Newsroom, “G7 summit: What is it and why is it in Cornwall?” *BBC*, June 11, 2021, “clear that the impact of COVID-19 on Black communities is commensurate with the health disparities affecting racial and ethnic minorities across the USA.” Errol L. Fields, Raniyah Copeland, Ernest Hopkins, *Same script, different viruses: HIV and COVID-19 in US Black communities*, 397 *The Lancet*, Vol 397, pp. 1040-1042, March 20, 2021, doi: 10.1016/S0140-6736(20)32522-8.

Progressives welcomed and explained a suggestion from one African American Ohio legislator to recognize an exception for African American babies, exempting them from a “heartbeat bill.” Dan MacGuill, “Did an Ohio State Rep. Propose Exempting African-American Women from Abortion Restrictions?” *Snopes*, April 19, 2019 (“Boyd did indeed propose an amendment that would have done just that, had it not been voted down in committee, and the core claim in the CBN News article was therefore accurate.”)

Progressives provided apologia, stating that it was “consistent with federal law”, when Virginia Delegate Kathy L. Tran, a survivor of a refugee camp, introduced a bill to the legislature that “would have reduced the requisite number of doctors to one, and removed the requirement for anticipated harm to be ‘substantially and irredeemably’ were she denied an abortion.” Irin Carmon, “A False War Over Late Abortion,” *The Cut*, February 1, 2019.

Accordingly, it would not, of necessity, be inconsistent with progressive policy, to consider the words of one civil rights leader whose birthday is annually observed in festive celebration, Vernon Miles, “Original Music and Poetry to Be Performed in Tribute to MLK on Sunday,” *ARL Now*, January 17, 2020, and whose namesake is used for an annual political fundraiser, Staff, “26th Annual Kennedy-King Dinner,” *VA 8th CD Dems*, <https://www.va8thcddems.org/2019/07/21/26th-annual-kennedy-king-dinner/> (accessed June 15, 2021), when he pondered the thought of “when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six year old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children”. Martin Luther King, *Letter from a Birmingham Jail*, *supra*.

Yet, in clear abuse of discretion, the Respondents Governor Northam, Mayor Justin Wilson and the City of Alexandria, did issue a controversial proclamation in discrimination against those with traditional Christian values that view the LGBTQ lifestyle as immoral, and clearly harmful to persons of color, and, of record, Petitioner even within the Commonwealth was denied an opportunity to avail himself of the courts for redress, *Webb v. Wilson*, Case No. CL21001769 (Alexandria Cir. 2020), *on appeal* Record No. TBD (Va. 2020), and, hence, for purposes of the civil money penalty, he is, therefore, neither a citizen, and, by proclamation, he “ain’t really black.” Eric Bradner, Sarah Mucha & Arlette Saenz, “Biden: ‘If you have a problem figuring out whether you're for me or Trump, then you ain’t black’,” *CNN*, May 22, 2020.

Not a Candidate

Under 52 U.S.C. § 30101(2), “[t]he term ‘candidate’ means an individual *who seeks . . . election . . . to Federal office*, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election. . . (A) *if such individual has received*

contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000; or (B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of \$5,000 or has made such expenditures aggregating in excess of \$5,000.” (emphasis added)

Seeks Election to Federal Office

Under standard statutory rules of construction, “[t]he law should be given its plain meaning wherever possible.” App. A1, *Rules of Statutory Construction and Interpretation*, Petition for Certiorari, *Love v. U.S.*, Record No. 18-9575, 133 S.Ct. 2780, https://www.supremecourt.gov/DocketPDF/18/18-9575/102239/20190611092122150_00000055.pdf (accessed April 22, 2022), and a necessary precondition for 52 U.S.C. § 310101 to apply is that an individual seek election to Federal office, and to the extent that an “individual” would be required to be a person or a citizen, the argument regarding impossibility has already been advanced sufficiently above. Nonetheless, “to seek” may be defined as “to ask for”, “to try to acquire or gain”, or “to make an attempt”. Staff, “Seek,” *Merriam-Webster*, <https://www.merriam-webster.com/dictionary/seek> (accessed April 22, 2022)⁶, and Petitioner could reasonably argue that he had never sought federal office, by the plain meaning of the word, and, one court had noted:

It is difficult to draw a line between the public functions and private functions when it is being discharged by a purely private authority. A body is performing a “public function” *when it seeks to achieve some collective benefit* for the public or a section of the public and is accepted by the public or that section of the public as having authority to do so. Bodies therefore exercise public functions when they intervene or participate in social or economic affairs in the public interest.

⁶ “1: to resort to : go to[;] 2a: to go in search of : look for[;] [2]b: to try to discover
3: to ask for : REQUEST[;] seeks advice; 4: to try to acquire or gain : aim at seek fame[;]
5: to make an attempt : TRY —used with to and an infinitive[;] governments ... seek to keep the bulk of their people contented — D. M. Potter; intransitive verb: 1: to make a search or inquiry[;] 2a: to be sought[;] [2]b: to be lacking[;] in critical judgment ... they were sadly to seek — The Times Literary Supplement (London)”. *Id.*

In a book on *Judicial Review of Administrative Action (Fifth Edn.)* by de Smith, Woolf &

Jowell in Chapter 3 para 0.24, it is stated thus:

“A body is performing a “public function” *when it seeks to achieve some collective benefit* for the public or a section of the public and is accepted by the public or that section of the public as having authority to do so. Bodies therefore exercise public functions when they intervene or participate in social or economic affairs in the public interest. This may happen in a wide variety of ways. For instance, a body is performing a public function when it provides “public goods” or other collective services, such as health care, education and personal social services, from funds raised by taxation. A body may perform public functions in the form of adjudicatory services (such as those of the criminal and civil courts and tribunal system). They also do so if they regulate commercial and professional activities to ensure compliance with proper standards. For all these purposes, a range of legal and administrative techniques may be deployed, including: rule-making, adjudication (and other forms of dispute resolution); inspection; and licensing. *Sulochana Gupta v. RBG Enterprises Private Ltd.*, W.A. No. 1083 of 2020, National Company Law Tribunal, September 9, 2020.

Similarly, it is well-established in jurisprudence that “[h]e who seeks equity must do equity”, and:

In granting relief peculiar to its own jurisdiction a court of equity acts upon the rule that he who seeks equity must do equity. By this it is not meant that the court can impose arbitrary conditions upon a plaintiff simply because he stands in that position on the record. The rule means that a man who comes to *seek the aid of a court of equity to enforce a claim* must be prepared to submit in such proceedings to any directions which the known principles of a court of equity may make it proper to give; he must do justice as to the matters in respect of which the assistance of equity is asked. In a court of law it is otherwise: *when the plaintiff is found to be entitled to judgment, the law must take its course; no terms can be imposed.* *Halsbury's Laws of England, 4th Edn.*, § 1303, Vol. 16, pp. 874-76.

Hence, as in the law of contracts, there arises an expectancy that through the seeking, that there will arise, in *quid pro quo* consideration tendered some actual and direct reward therefor, and this is not that case.

Battleground State Virginia

To the extent that an “individual” would be required to be a person or a citizen, the argument regarding impossibility has already been advanced sufficiently above; however, while once included in the roll up of battleground states, “Virginia and Colorado, once the gold standards of swing states are now firmly planted in the Democratic column.” Amy

Walter, “The Battle for the Battleground States,” *Cook Political Report*, December 21, 2020⁷. Virginia had only two “toss up” competitive districts, VA-02, represented by Congresswoman Elaine Luria, and VA-07, represented by Congresswoman Abigail Spanberger. Amy Walter, “2022 House Race Ratings,” *Cook Political Report*, April 20, 2022, <https://www.cookpolitical.com/ratings/house-race-ratings> (accessed April 20, 2022). *See also* Press Release, “Spanberger Ranked as Most Bipartisan Democrat in the Country in Latest Common Grounder Scorecard,” *Rep. Abigail Spanberger*, September 22, 2020 (“U.S. Representative Abigail Spanberger is being recognized as the third-highest ranking elected official in the country in the latest Common Ground Scorecard for her strong record of bipartisanship in the U.S. House, her commitment to conversations across the political spectrum, and her work as part of the bipartisan Problem Solvers Caucus.”).

In the 2020 election, “[t]he Whole Foods counties that flipped from Trump to Biden included. . . Virginia Beach, VA”, in VA-2. Amy Walter, “36 Facts About the 2020 Elections,” *Cook Political Report*, December 22, 2020. Of the eight high turnover districts “that have elected four different members to the House in the past five elections”, in the Commonwealth only VA-5 is on the list, and some experts conclude that “Democrats would likely have lost their House majority in 2020 had it not been for lawsuits that overturned GOP-drawn congressional maps prior to 2016 (Florida and Virginia).” *Id.*

Loving v. Virginia

Despite the fact that the Commonwealth is celebrated for finding the genesis of the landmark decision in which the nation’s highest court had struck down miscegenation statutes on the reasoning that “[t]hese statutes also deprive the Lovings of liberty without due process of law in violation of the *Due Process Clause* of the *Fourteenth Amendment*”, in a

⁷ “In fact, for all of the hand-wringing about the Democrats “crumbling” Blue Wall, Biden outperformed Kerry in eight other battleground states: Arizona, Nevada, Colorado, Florida, Virginia, Georgia, Texas, and North Carolina. Meanwhile, Trump outperformed Bush in just two other battleground states: Iowa and Ohio.” *Id.*

recognition that “[t]he freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men”, *Loving v. Virginia*, 388 U.S. 1 (1967), to the extent that race remains, or has become again a part of politics, it is an empirical fact in the Commonwealth that VA-3, represented by the African American, Congressman Bobby Scott, has a population that is only 43.3% Caucasian, but small representations of other ethnic demographics, Staff, “My Congressional District: Virginia: 03,” *Census*, <https://www.census.gov/mycd/?st=51&cd=03> (accessed April 20, 2022), while VA-11, represented by Congressman Gerry Connelly, has a population that is 55.5% Caucasian (438,131), with those who describe themselves as Hispanic/Latino (150,567), Asian (147,466) and African Americans (109,462), accounting for 51.6%. Staff, “My Congressional District: Virginia: 11,” *Census*, <https://www.census.gov/mycd/?st=51&cd=11> (accessed April 20, 2022). “The most racially/ethnically diverse congressional district in the United States, in 2015, is the 13th District in California[.]. . . represented by Barbara Lee (D-Oakland) and comprises the cities of Oakland, Berkeley, San Leandro, Alameda, *etc.*, in the East Bay of the San Francisco Bay Area”, and, in that year, Connelly’s VA-11 was ranked fourth, with a diversity index of 86.34. C.L. Purvis, “The Most Racially Diverse Congressional District in the US is..... the 13th California (Barbara Lee, D, Oakland),” *CensusMaven*, April 14, 2017.

However, with 150,802 identifying as Hispanic/Latino, 99,313 identifying as Asian, and 114,695 identifying as African American, 62.9% Caucasian, Staff, “My Congressional District: Virginia: 08,” *Census*, <https://www.census.gov/mycd/?st=51&cd=08> (accessed April 20, 2022), VA-8 is considered one of the most diverse congressional districts, and the 58th most reliable congressional district in the nation, and the top gaining Democrat congressional district in 2016, according to the Cook Political Report. *See also* Staff, “Virginia 8th Congressional District Demographics,” *Biggest US Cities*,

<https://www.biggestuscities.com/demographics/va/8th-congressional-district> (accessed April 22, 2022)⁸.

Yet, beyond the racial dynamics of politics in the Commonwealth, despite the fact that, “[i]n part at the insistence of James Madison, the Virginia declaration came to include a strong guarantee of religious liberty (and not simply religious toleration as [George] Mason had first proposed) that was similar to the free exercise clause later included in the *First Amendment*”, John R. Vile, *The First Amendment Encyclopedia*, “George Mason,” Middle Tennessee State University (2009), and that Rev. Jeremiah Moore, “a Baptist from Fairfax County, Virginia, found himself arrested and thrown in jail” for the crime of “preaching without a license”, David Belton, “American Experience: Frontline: God in America: ‘A New Eden’,” *PBS*, October 10, 2010, who had described Thomas Jefferson as “without doubt. . . a friend to religious liberty”, Jeremiah Moore, *Letter to Thomas Jefferson*, July 12, 1800, and who has himself been described as “a religious dissenter who found inspiration in the ‘Baptist’ movement that spread through Great Britain in the mid-18th century”, whose legacy “has been the idea of religious freedom which has been enshrined in the U.S. Constitution since 1791, when Mason’s ‘Fairfax County Resolves’ found their home in the *Federal Bill of Rights*,” Chap Petersen, “Opinion: Editorial: Yes, America, Religious Freedom Began in

⁸ “Nationwide Claims to Fame[;] VA8 is 3rd out of 436 other congressional districts in Residents with college degree (older than 25)[;] VA8 is 6th out of 436 other congressional districts in Income per capita[;] VA8 is 8th out of 436 other congressional districts in Income per household[;] VA8 is 19th out of 436 other congressional districts in Current population (2012)[;] VA8 is 19th out of 436 other congressional districts in Households[;] VA8 is 23rd out of 436 other congressional districts in Home median value[;] VA8 is 27th out of 436 other congressional districts in Units inside multi-unit buildings[; and] VA8 is 47th out of 435 other congressional districts in Race – Asian[;] VA8 is 49th out of 436 other congressional districts in Foreign born residents[.] Statewide Claims to Fame[;] VA8 is 1st in Virginia out of 11 other congressional districts in Home median value[;] VA8 is 1st in Virginia out of 11 other congressional districts in Households[;] VA8 is 1st in Virginia out of 11 other congressional districts in Income per capita[;] VA8 is 1st in Virginia out of 11 other congressional districts in Race - Hispanic or Latino[;] VA8 is 1st in Virginia out of 11 other congressional districts in Residents with college degree (older than 25)[;] VA8 is 1st in Virginia out of 11 other congressional districts in Units inside multi-unit buildings[;] VA8 is 2nd in Virginia out of 11 other congressional districts in Current population (2012)[;] VA8 is 2nd in Virginia out of 11 other congressional districts in Foreign born residents[;] VA8 is 3rd in Virginia out of 11 other congressional districts in Housing units[; and] VA8 is 3rd in Virginia out of 11 other congressional districts in Income per household[.]” *Id.*

Fairfax County,” *The Connection*, October 16, 2018, it is a fact that, unlike a pre-pandemic America in which “65% of American adults describe themselves as Christians when asked about their religion, down 12 percentage points over the past decade”, Staff, “In U.S., Decline of Christianity Continues at Rapid Pace,” *Pew Research Center*, October 17, 2019, only “45.7% of the people in Virginia are religious”, at all. Staff, “Religion in Virginia,” *Best Places*,

<https://www.bestplaces.net/religion/state/virginia?msclkid=5350f8ebc25411ec9defcdef230622fb> (accessed April 22, 2022). And, before post pandemic reports that the number of persons who had described themselves as “nones” had climbed by six percent to 29%, Gregory A. Smith, “About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated,” *Pew Research Center*, December 14, 2021, national surveys had indicated that:

In many cases, being an atheist isn’t just about personally rejecting religious labels and beliefs – most atheists also express negative views when asked about the role of religion in society. For example, seven-in-ten U.S. atheists say religion’s influence is declining in American public life, and that this is a good thing (71%), according to a 2019 survey. Fewer than one-in-five U.S. adults overall (17%) share this view. A majority of atheists (70%) also say churches and other religious organizations do more harm than good in society, and an even larger share (93%) say religious institutions have too much influence in U.S. politics. Michael Lipka, “10 facts about atheists,” *Pew Research Center*, December 6, 2019.

And, in the what he had described as the “election of his lifetime”, the incumbent in VA-8, after winning over 75% of the vote decided to accept the invitation of the Congressional Free Thought Caucus, after having “shown signs of frustration whenever government officials used God to promote bad policy or bad ideas—or twisted the Bible to make a bad point,” and, at the urging of Congressmen Jared Huffman and Jamie Raskin announced his decision to join the Congressional Free Thought Caucus, described as not an “atheist club,” but rather preferring to be described as “just a group of lawmakers dedicated to promoting reason-based policy, keeping church and state separate, opposing discrimination against non-religious people, and championing freedom of thought around the world,” while expressing

the aspiration that “[t]he hope is that the membership continues growing—making the Caucus more influential—while the stigma of being an atheist (or being associated with non-religiosity) decreases around the country.” Hehment Mehta, “Rep. Don Beyer (D-Virginia) Joins the Congressional Free Thought Caucus,” *The Friendly Atheist*, November 20, 2020.

Making his intent clear, the incumbent provided the following statement of clarification, after several interviews conducted with the Freedom from Religion Foundation, with their motto, “Not afraid to burn in Hell”:

Let me get political at the end. I have four children, none of whom have even the slightest inclination toward God, religion, or church. Religion means 19 Muslims killing 3,000 people and themselves on 9/11, to earn virgins in heaven. It means Jerry Falwell and Jerry Falwell Jr, and the Moral Majority, which was neither. It means Shiites vs. Sunnis, Catholics vs. Protestants, burning at the stake because you don’t believe in baptism. Religion is equivalent to intolerance – of skin color, sexual orientation, class, and on and on. Religion means imposing your rules and practices and beliefs on everyone else. Especially, especially when it comes to sexuality. Don Beyer, “Always Searching, Always Bent on Discovering,” *Secular Coalition of America*, February 21, 2021.

As the son and grandson of Baptist preachers, the godson of a former House Majority Whip, who was the son in the ministry of his father, beyond a reasonable doubt, in this congressional district, describing Petitioner as a candidate would be tantamount to a state license by the state to proselytize, and in this proceeding, tantamount to a fine for essentially preaching without a license, the crime for which Jeremiah Moore had been jailed in Alexandria.

“A Bare Expectancy”

Under 52 U.S.C. § 30101(2), “[t]he term ‘candidate’ means an individual *who seeks. . . election. . . to Federal office,*” and as observed in *Virginia Elec. Power & Co. v. Sun Shipping and Drydock Co.*, 539 F.2d 357 (4th Cir. 1976), regarding seeking election to Federal office in VA-8, “is closely analogous to what is known as a bare expectancy in property law”, and

The classic example of one who holds a bare expectancy is the heir apparent to a living ancestor. If the heir apparent outlives the ancestor, and if the ancestor does not dispose of all his property and other assets during his lifetime, and if the ancestor dies intestate and if the state legislature does not modify the laws of intestate succession, then the heir

apparent can expect to inherit something. Property law regards such an interest, which can be divested at any time at the whim or caprice of someone over whom the holder of the interest has no control, as of no legal significance:

A different situation arises where an expectant heir or distributee or an expectant beneficiary under a will attempts to convey his bare expectancy to a stranger. . . . If the conveyance of the bare expectancy is by quitclaim, without consideration, it is without legal effect. The statement usually made by the courts is that a bare expectancy is not assignable at law because the grantor has nothing to assign.

In the case of the bare expectancy, the property itself, of course, has existence in the hands of the ancestor, but, so far as the heir or devisee is concerned, it may be termed nonexistent.

. . . It appears that the holder of a bare expectancy has no standing in a court of law or equity in the lifetime of the ancestor or devisee. He cannot sue for the cancellation of a conveyance, nor to quiet the title, nor to have a fraudulent conveyance set aside, nor to restrain waste. . . . If statutes change the course of descent and distribution, the expectant heir is not deprived of property without due process of law.

I Simes, *Future Interests*, Ch. 16, s 234 at 413-16, s 239 at 422-23 (1938) (emphasis added in original omitted).

Again, to the extent that an “individual” would be required to be a person or a citizen, the argument regarding impossibility has already been advanced sufficiently above; however as to one who seeks election to Federal office, it is of at least probative value that even the incumbent had acknowledged during the 2016 election that “[c]onventional wisdom says this is a Democratic seat,” Patricia Sullivan, “Republicans choose candidate to oppose Beyer in Northern Virginia,” *Washington Post*, May 9, 2016, that the local press has acknowledged that “[b]ookies probably wouldn’t even lay odds on the chance of Republicans picking up the 8th Congressional District seat, it seems so out of reach”, Scott McCaffery, “GOP challengers to Beyer hope to gain traction,” *Arlington Sun Gazette/Inside NOVA*, January 29, 2016 and that “[i]n Arlington, Democrats hold almost *all levers of power*”, such that “[t]he voters there are so solidly blue that they are among the Northern Virginians who usually provide the margin of victory for Democrats who win statewide.” and in that year, Arlington Democrat, Monique “O’Grady, a parent activist and first-time candidate, triumphed over Alison Dough and Mike Webb with almost 71 percent of the vote.” Patricia Sullivan, “Arlington County

Democrats continue to dominate region's politics," *Washington Post*, November 7, 2017. (emphasis added) And, hence, for Petitioner, seeking election to Federal office, in accordance with 52 U.S.C. § 30101(2), "[a]t most it is a mere hope or expectation . . . and hardly reaches the height of a property right, much less a vested right. . . ." *Robinson v. Eagle-Picher Lead Co.*, 132 Kan. 860 (1931).

Despite an early acknowledgment by the press as "unabashedly conservative", Vernon Miles, "Arlington: Beyer Reviews His Work in Congress," *Alexandria Connection*, January 27, 2016, and that he had "attacked Beyer on everything from climate change to Beyer's handling of minority groups within his district", Vernon Miles, "Alexandria: Two Republicans Enter Race Against Beyer," *Alexandria Connection*, February 3, 2016, "[t]he delegates to the party's district convention Saturday nominated [Charles] Hernick with 78 percent of the vote, spurning Michael Webb, a former Army officer." Patricia Sullivan, "Republicans choose candidate to oppose Beyer in Northern Virginia," *supra*. And, hence, for Petitioner, seeking election to Federal office, in accordance with 52 U.S.C. § 30101(2), is just merely a "hope unfounded in any limitation, provision, trust or legal act whatever." *Elliott v. Leslie*, 124 Ky. 553 (1907).

As observed in *Johnson v. Breeding*, 136 Tenn. 528 (1916), "[e]xpectancy' is the bare hope of succession to the property of another, such as may be entertained by an heir apparent", "[s]uch a hope is inchoate", and "[i]t has no attribute of property, and the interest to which it relates is at the time nonexistent and may never exist."

And, edging out Alexandria (31.2%) and Richmond (15.6%), with 40.5% of residents holding post graduate degrees, Staff, "Cities in Virginia with the Highest Percent of Post Grads," *Home Area*, https://www.homearea.com/rankings/place-in-va/percent_with_a_post_graduate_degree/ (accessed April 20, 2022), "[a]ccording to complete results as of Nov. 5, [Mary] Kadera – a first-time candidate – won 77.86 percent of

the vote to 19.25 percent for Webb, who four years unsuccessfully faced off against O'Grady and also has run for Congress." Scott McCaffery, "Final School Board tally: Democrat 77.9%, independent 19.3%," *Arlington Sun Gazette/Inside NOVA*, November 6, 2021.

In the Commonwealth, "[a] cause of action for tortious interference with prospective business relations arises from an intentional, improper interference with a prospective business relationship *or expectancy*, which interference prevented the plaintiff from realizing the expectancy and thereby damaged the plaintiff", *Tyson's Toyota, Inc. v. Commonwealth Life Ins.*, 20 Va. Cir. 399 (1990) (citing *Glass v. Glass*, 228 Va. 39 (1984), and, "[t]o establish the element of causation, a plaintiff must *allege facts showing a reasonable certainty that he would have realized* the beneficial business expectancy absent the defendant's intentional misconduct." *Id.* (emphasis added)

Local reporters, with a sense of the pulse of the public attitudes, have observed that Petitioner "has floated around the periphery of the Northern Virginia political scene for nearly the past decade," Scott McCaffery, "Kadera gets company in School Board race," *Arlington Sun Gazette/Inside NOVA*, June 9, 2021, and that "[d]espite our commenters' love of all things Webb, we've tried to temper our coverage of his candidacy in reasonable proportion to his base of support", noting that "[w]hile running as a write-in candidate for Congress this fall, the total write-in vote for the Eighth District of Virginia race was 0.3 percent." Scott Broadbeck, "Most-Read Arlington Stories of 2016 (#11-15): 13. Congressional Candidate's Apparent Porn Post Going Viral (18,390 views)," *ARL Now*, December 28, 2016. And on the occasion of his last appearance on a ballot, the local press reported, in a story that featured his opponent's picture and name is the headline: "It likely will be more a coronation than an election on Nov. 2, but Democratic Arlington School Board endorsee Mary Kadera will still have a race to run." Scott McCaffery, "Kadera gets company in School Board race," *supra*.

In a year during which the incumbent has publicly stated that “[i]t is a significant moment in our nation’s history to have confirmed the first Black woman to serve on the Supreme Court”, Press Release, “Beyer Statement On Confirmation Of Judge Ketanji Brown Jackson To The U.S. Supreme Court,” *Rep. Don Beyer*, April 7, 2022, it is of at least probative value that “Victoria Virasingh believes she can bring a fresh perspective to Congress by better representing working-class voters in the highly diverse 8th District”, that “[s]he is running against Rep. Don Beyer in the Democratic Primary on June 21” who “has been in office since January 2015”, and that she is “the first Latina, the first Indian American to run in this district.” Press Room, “Victoria Virasingh runs against Rep. Beyer,” *Annandale Today*, March 11, 2022.

And, upon his capturing the Democrat Party primary in 2014, in a race in which “Del. Patrick A. Hope (Arlington) came in second, with 18 percent of the vote”, “State Sen. Adam P. Ebbin (Alexandria) took third, with 14 percent, followed by Alexandria Mayor William D. Euille at 8 percent, talk show host Mark Levine at 7 percent, former Northern Virginia Urban League leader Lavern Chatman at 5 percent and Virginia Tech professor Derek Hyra at just over 1 percent”, one national news outlet observed:

In this enclave of left-leaning affluence a few miles from the U.S. Capitol, 8th District Democrats could have selected a new, more progressive course from their ballot choices, which included two openly gay candidates and two blacks.

Instead, they nominated a white man who just turned 64, a veteran of politics whose car dealerships are ubiquitous in Northern Virginia and who touts himself as a progressive, even though he was known as a pragmatist when he was the state’s lieutenant governor. Paul Schwartzman, “After his political resurrection, candidate Beyer adopts high-minded approach,” *Washington Post*, June 28, 2014⁹.

⁹ Donnegan’s name was removed from a quotation attributed to “Gail Gordon Donnegan, 50” after Petitioner began repeating her quote against Donald Beyer after he won the primary election, stating, in effect that a rich white guy had bought the election in the most diverse district in the Commonwealth, and the deletion was made without noting that the redaction had been applied in a later update, over two years after the fact. Patricia Sullivan, “After his political resurrection, candidate Beyer adopts high-minded approach,” *Washington Post*, June 14, 2014 (“Instead, they nominated a white man who just turned 64, a veteran of politics whose car dealerships are ubiquitous in Northern Virginia and who touts himself as a progressive, even though he was known as a pragmatist when he was the state’s lieutenant governor.”).

See also Anna Brand, “Oprah pal could be Virginia district’s first black woman in Congress,” *NBC News*, June 6, 2014.

Despite claims of diversity, it was not until 1987 that “William T. Newman, Jr., became the first Black member of the Arlington County Board”, Staff, “Arlington’s First Black Legislators,” Arlington Public Library, February 18, 2021, today the Presiding Judge on the Circuit Court who went to the extent of barring Petitioner from presenting pleadings in that court, in deprivation of equal protection and due process under the *Fourteenth Amendment*, with impunity, as in evidence at Exhibit A, after suits¹⁰ brought against local Arlington Democrats, in which an elected Arlington Public School Board member was permitted to have the County finance the legal representation of her political campaign, as in evidence at Exhibit B, an embezzlement in violation of Va. Code § 18.2-111, with impunity. Yet, a year before the progressive County of Arlington had elected its first Negro to an elected office, Petitioner had already been elected as the first Negro to a student body office at a school in the Shenandoah with a controversial name. Bruce Potter, “Caruthers Nips Black for VP,” *Ring Tum Phi*, March 14, 1985, https://dspace.wlu.edu/bitstream/handle/11021/32183/RTP_19850314.pdf?sequence=1&isAll (accessed July 7, 2021), but where he was the first African American to have ever been elected to student body office, Jim Strayder, “Lewis, Caruthers and Webb: New ‘Big Three’ Looks Ahead,” *Ring Tum Phi*, March 21, 1985,

¹⁰ *Webb v. Carlton Condominium Assoc.*, Case No. CL18-2005 (Arlington Cir. 2018), *on appeal* Record No. 181531 (Va. 2018); *Webb v. Murphy*, Case No. 013CL183269-00 (Arlington Cir. 2019), *on appeal* Record Number 190420, (Va. 2019); *Webb v. Beyer*, Case Number 1:19-cv-808 (E.D.Va. 2019), *on appeal* Record Numbers 19-2420, 19-2423 (4th Cir. 2020); *Webb v. Kaine*, Case Number CL18-3628 (Arlington Cir. 2018), *on appeal* Record Number 0638-19-4 (Va.App. 2018). See also *Commonwealth v. Webb*, Case No. GC17004518-00 (Alex. Gen. Dist. 2018), *on appeal* *Webb v. Commonwealth*, Case No. CM18000020 (Alex. Cir. 2018), *on appeal* *Webb v. Commonwealth*, Record No. 1780-18-4 (Va. App. 2018) (arrest for trespass for participation in Red Rose Rescue, in unlawful arrest absent any significant disruption of business, *Hall v. Commonwealth*, 188 Va. 72 (1948), or patron complaints, *Commonwealth v. Pleasants*, 214 Va. 646 (1974); *Webb v. Commonwealth*, Case Number 1-18-00-1251 (E.D.Va. 2018), *on appeal* *U.S.A. v. Webb*, *Webb v. Commonwealth*, Record Number 19-6403 (4th Cir. 2018) (overturning a right to removal in a criminal case under 28 U.S.C. § 1455, first recognized in *Georgia v. Rachel*, 384 U.S. 780, 86 S.Ct. 1783, 16 L.Ed.2d 925 (1965)).

https://dspace.wlu.edu/bitstream/handle/11021/32184/RTP_19850321.pdf?sequence=1&isAll
 owed=y (accessed July 7, 2021). Moreover, the first Negro elected to the Arlington Public School Board would not be elected until the year after the first Negro had been elected President. Staff, “Meet the Arlington Public School Board,” *The Connection*, August 23, 2012 (“First elected to the Arlington School Board in 2009, Lander is a product of the Philadelphia Public Schools and the father of an Arlington County Public Schools student.”)

On a similar factual pattern one court had concluded that they had believed that a judge had “‘owned’ just what the owner of a bare expectancy has nothing at all”, hinging upon the circumstances of “absolute control by a third person of a *res* in itself”, quite “inconsistent with the concept of ownership,” and determining that if there was any equitable interest, at all in a refund, it was “so speculative as to lack the necessary incidents and attributes of property which can be the subject of ‘ownership’,” *Virginia Elec. Power & Co.*, 539 F.2d, at 357. And courts have traditionally, at least, held that “[s]peculative fear of future harm does not constitute an injury in fact sufficient to confer standing.eschewed speculative damages.” *Sancho v. Dept. of Energy*, No. 08-17389 (9th Cir. 2010); *see also Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc.*, 591 F.3d 250, 256 (4th Cir. 2009)¹¹ litigation regarding persons and citizens.

In his last election, the local press reported: “In one of the less surprising moments of the 2021 campaign season, Republicans on Oct. 7 voted – unanimously – to endorse neither Democratic-backed Mary Kadera nor independent Mike Webb in the race to succeed Democrat Monique O’Grady,” Scott McCaffery, “Republicans pass on endorsing School Board contender,” *Arlington Sun Gazette*, October 8, 2021, a year in which MSNBC’s

¹¹ “*Bell Atlantic* holds that a “formulaic recitation of the elements of a cause of action will not do. Factual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true (even if doubtful in fact).” *Williams v. Berkshire Fin. Grp. Inc.*, 491 F.Supp.2d 320, 324 (E.D.N.Y. 2007), quoting, *Bell Atlantic Corp.*, 550 U.S. at 545, 127 S.Ct. 1955. “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937, 1949, 173 L.Ed.2d 868 (2009).” *Id.*

Nicolle Wallace had claimed that, in Virginia, “[c]ritical race theory, which isn’t real, turned the suburbs 15 points to the Trump insurrection-endorsed Republican,” Katherine Hamilton, “Critical Race Theory Top Issue in Virginia Election, Democrats Still Insist It ‘Isn’t Real’,” Breitbart, November 3, 2021, and in a year in which, at the Arlington Democrat nomination caucus, “turnout set a local record, “exceeding the county caucus record of 5,972 votes, set in the 2017 School Board caucus,” Joe Devoe, “Mary Kadera Captures Democratic School Board Endorsement,” May 25, 2021, and in which the contenders for the Arlington Democrat nomination “found some common ground in not being particularly enraptured with how Arlington Public Schools and its leadership have handled the COVID crisis and its impact on students.” Scott McCaffery, “Arlington School Board aspirants critical of COVID response,” *Arlington Sun Gazette/Inside NOVA*, March 8, 2021.

In this race, in which, despite sparse press coverage, Petitioner had been identified as “a member of the Red Rose Rescue, a group aimed at defunding reproductive healthcare services”, who “is also against current government efforts and recommendations for safety during the COVID-19 pandemic”, Staff, “Democrat: Mary Kadera,” *Progressive Voters Guide*, September 15, 2021, his opponents credentials regarding the main issues in the race were limited to the fact that, at the age of 22, she “began teaching high school English and Biology in Winchester, Virginia” and “taught *Native Son*, I taught about different kinds of cells”. Mary Kadera, “My Story,” *Mary for School Board*, <https://www.maryforschoolboard.org/my-story.html?msclkid=43d59946c33a11ec9a9f9d7b4e6e4582> (accessed April 22, 2022).

As a matter of record, despite rejection by both political parties, and a loss of an election, during the year in which reopening schools safely was a priority issue, about which, “[a]s students return to school amid an ongoing surge of COVID-19 cases, testing has been touted as a key tool to reduce potential spread”, but with “most students. . . headed back to the

classroom without that regular testing in place”, Kate Master, “Most Virginia students are returning to school without COVID-19 testing programs in place,” *Virginia Mercury*, September 10, 2021, Petitioner’s modest credentials included only his experience as the *Aide de Camp* to the Commander, as in evidence at Exhibit C, in addition to his prior referenced tenure as Operations Officer, as in evidence at Exhibit D, qualifications satisfying the threshold to be certified as an expert on aspects pertinent to the reopening of public schools, especially with the distinction to play a critical staff role in during the formation of the Armed Forces Medical Intelligence Center (AFMIC), *see generally* DODD 6420.1, Armed Forces Medical Intelligence Center (AFMIC), September 30, 1996 , the precursor to the National Medical Intelligence Center (NMIC), *see generally* DODI 6420.01, National Center for Medical Intelligence (NCMI), March 20, 2009, incorporating Change 3, effective September 8, 2020, which was the subject of the ABC News report, Josh Margolin & James Gordon Meek, “Intelligence report warned of coronavirus crisis as early as November: Sources ‘Analysts concluded it could be a cataclysmic event,’ a source said,” ABC News, April 8, 2020.

In addition, the Petitioner had served as a Company Commander in the U.S. Army Reserve, in which capacity, during Annual Training, he had the responsibility for proper instruction of initial entry for training (IET) soldiers on topics to include proper tactics, techniques and procedures for conduct of operations in environments contaminated by biological agents, and was responsible during monthly unit training assemblies (UTAs) for conducting sustainment training for drill instructors and other soldiers assigned to that training unit. Moreover, Petitioner had been certified as an instructor in a train-the-trainer (T3) course for composite risk management (CRM), in accordance with DA Pam 385-30 Safety: Risk Management, Para 1-8, December 2, 2014.

While under Fed.R.Evid. 703, “[a]n expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed”, and, “[i]f experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted”, “[b]ut if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect”, the record reflects that an overwhelming majority of the voting public in the County of Arlington had chose his opponent in the school board race, and Dr. Rochelle Walensky, the Director of the Centers for Disease Control & Prevention (CDC), has stated that “human behavior in this pandemic hasn’t served us very well”, Meg Tirrell, “CDC director says the Covid pandemic’s end date depends on human behavior,” *CNBC*, October 8, 2021, while the Director of the World Health Organization (WHO), Dr. Tedros Adhanom Ghebreyesus, acknowledging that “[v]accines alone will not get any country out of this crisis”, Ed Browne, “Vaccines Alone Won’t Stop Omicron COVID Variant, Says WHO Director-General Dr. Tedros Adhanom Ghebreyesus,” *Newsweek*, December 15, 2021, *but see* By Rachel Hirschheimer, “Gov. Northam watches Sentara Healthcare workers receive COVID-19 vaccine,” *NBC29*, December 15, 2020 (“Until all Virginians, Americans have access to this vaccination, which we hope will happen in the next few months, we all have to remain vigilant and do our job, have the responsibility, and really be part of the solution to get this pandemic behind us,” the governor said.); Pressroom, “Transcript: Joe Biden delivers remarks on 1-year anniversary of pandemic,” *ABC News*, March 11, 2021 (“If we do all this, if we do our part, if we do this together, by July the 4, there's a good chance you, your families and friends, will be able to get together in your backyard or in your neighborhood and have a cookout or a barbecue and celebrate Independence Day.”), stated woefully: “Surely, we have learned by now that we underestimate this virus at our peril.”

Staff, “COVID-19: Don’t underestimate Omicron, WHO chief warns,” *UN News*, December 14, 2021. And, at least one Reviewing Court had concluded upon examination of analogous facts that “Since we are convinced that the district judge lacked ‘ownership of a legal or equitable interest, however small,’ it is clear that he had no ‘financial interest’ in the subject matter in controversy for financial interest is defined in those terms.” *Virginia Elec. Power & Co.*, 539 F.2d at 357.

Thus, considering the topic and scope, it can be said of the Petitioner and his expectancy in seeking election to Federal office, “[t]here was enacted before them a scene that could not be transmitted to this court.” *Patterson v. Commonwealth*, 139 Va. 589 (1924).

Nonetheless, Petitioner, at personal expense, without remuneration and in unrequited love and sacrifice, has brought suits against the Arlington Public School Board for discriminating against persons of color in selecting an unoffensive name to replace the name of Washington-Lee High School on the renaming committee, *Webb v. Murphy*, Case No. 013CL183269-00 (Arlington Cir. 2019), *on appeal* Record Number 190420, (Va. 2019), sued the incumbent and the County of Arlington regarding the placement of rainbow flags on state flagpoles and on the entrance doors to the incumbent’s Washington office, *Webb v. Beyer*, Case Number 1:19-cv-808 (E.D.Va. 2019), *on appeal* Record Numbers 19-2420, 19-2423 (4th Cir. 2020), and Petitioner has sued the Mayor of Alexandria for an *ultra vires* declaration for PRIDE Month, which by Governor’s office policy cannot be on a controversial issue, and for their attempting to encourage gay men to party in reckless abandon during a pandemic. *Webb v. Wilson*, Case No. CL21001769 (Alexandria Cir. 2020), *on appeal* Record No. TBD (Va. 2020).

One reputed law review journal has observed, regarding the topic of a recognizable expectancy in seeking, that:

Unlike “financial interest,” the term “any other interest” is not defined in terms of ownership or in any other manner. It is not easy to conclude what the term means. But it

must have been the congressional intent to make an interest of lesser degree than ownership disqualify. That would seem to be so for otherwise there would be no purpose in defining financial interest in terms of ownership and failing to apply such a limitation on “any other interest.” We thus conclude that the trial judge’s “bare expectancy” or chance, if you will, to get a refund constitutes an “other interest” within the meaning of the Canon. In distinguishing “financial interest” from “any other interest,” Professor Wright acknowledges that the latter interest is necessarily an imprecise one. He suggests, by reference to another commentary, that whether any other interest is disqualifying may “depend on the interaction of two variables: the remoteness of the interest and its extent or degree.”¹⁶ Note, *Disqualification of Judges and Justices in the Federal Courts*, 86 Harv.L.Rev. 736, 753 (1973).

No competent court of jurisdiction, nor reasonable trier of fact, nor rational person would conclude that Petitioner, on these facts, had sought election to federal office, and, hence, the civil money penalty might only be viewed as an act within reasonable time after a protected activity and forming the basis of an inference of retaliation, shifting the burden the burden of proof to the defendant to show cause why such should not be concluded, as a matter of law, *Reid v. Merit Systems Protection Board*, 508 F.3d 674 (Fed. Cir. 2007); *see also Schnell v. Department of the Army*, 114 M.S.P.R. 83 (2010), and wherein a complainant “need not demonstrate the existence of a retaliatory motive. . . to establish that [the protected activity]. . . was a contributing factor”, *Kewley v. HHS*, 153 F.3d 1357 (Fed. Cir. 1998) (quoting *Marano v. DoJ*, 2 F.3d 1137(Fed. Cir. 1993)).

Hence, notwithstanding a total of 552 transactions, recorded as in-kind contributions, as defined under 11 CFR 100.52(d),

A Contribution

Under 52 U.S.C. § 30101(2), “[t]he term ‘candidate’ means an individual *who seeks. . . election. . . to Federal office,*” as addressed above, and, in accordance with 52 U.S.C. § 30101(8)(A),

“[t]he term ‘contribution’ includes— (i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person *for the purpose of influencing any election for Federal office*; or (ii) *the payment by any person of compensation for the personal services of another person* which are rendered to a political committee without charge for any purpose. However, under 52 U.S.C. § 30101(8)(B)(i), “[t]he term ‘contribution’ does not include— (i) *the value of services provided without compensation*

by any individual who volunteers on behalf of a candidate or political committee”.
(emphasis added)

Influencing Any Election for Federal Office

A reviewing court will reject contentions, where it is established “that insufficient evidence supports” the allegations, *People v. Vang*, 87 Cal.App.4th 1038, (2001) and, in the legal profession, it has been observed, although “personal solicitation is valuable because it may apprise a victim of misfortune of his legal rights, the very plight of that person not only makes him more vulnerable to influence but also may make advice all the more intrusive”, and that, “[t]hus, *under these adverse conditions* the overtures of an uninvited lawyer may distress the solicited individual simply because of their obtrusiveness and the invasion of the individual’s privacy, [footnote omitted] even when no other harm materializes.[footnote omitted]” *Ohralik v. Ohio State Bar Ass’n*, 436 U.S. 447, 447–68, 98 S. Ct. 1912, 1914–25, 56 L. Ed. 2d 444 (1978) (emphasis added)

And, upon the record, where, running as a write-in, during the 2016 election, despite having been acknowledged early as the “putative front runner”, Scott McCaffery, “Republicans pitch themselves as alternatives to Beyer in 8th District,” *Arlington Sun Gazette*, March 18, 2016 (“The putative front-runner for the Republican nomination to take on U.S. Rep. Don Beyer (D-8th) is not hiding frustration at his intra-party challenger, as the two candidates gear up for the GOP’s district convention in May.”); *see also* Scott Broadbeck, “GOP Congressional Candidate Fails to File FEC Report on Time, Blames ‘Cyber Attack’,” *ARL Now*, “[w]hile running as a write-in candidate for Congress this fall, the total write-in vote for the Eighth District of Virginia race was 0.3 percent.” Scott Broadbeck, “Most-Read Arlington Stories of 2016 (#11-15): 13. Congressional Candidate’s Apparent Porn Post Going Viral (18,390 views),” *supra*, it cannot be claim credibly that Petitioner presented such adverse conditions as to present any undue influence upon the outcome of any federal election, and “where the *operation of an unestablished business* is

prevented or interrupted, damages for prospective profits that might otherwise have been made from its operation are not recoverable for the reason that their occurrence is uncertain, contingent and speculative.” *Sargon*, 55 Cal.4th, at 747.

Payment for Personal Services of Another

Even if Petitioner’s activity might somehow be deemed to have influenced any federal election, in accordance with 52 U.S.C. § 30101(8)(A)(ii), “[t]he term ‘contribution’ includes. . . *the payment by any person of compensation for the personal services of another person* which are rendered to a political committee without charge for any purpose.” (emphasis added) And, as stated above, there are a total of 552 entries recorded for the contributions to the campaign, all of which were contributed by the Candidate to the Candidate, and not paid in compensation for personal services of another. And, hence, the civil money penalty imposed would not properly apply, and, under 52 U.S.C. § 30101(8)(B)(i), “[t]he term ‘contribution’ does not include— (i) *the value of services provided without compensation by any individual* who volunteers on behalf of a candidate or political committee”. (emphasis added)

Yet, “although generally objectionable for the reason that their estimation is conjectural and speculative, anticipated profits dependent upon future events are allowed where their nature and occurrence can be shown by evidence of reasonable reliability.” *Sargon*, 55 Cal.4th, at 747. And “[u]nestablished businesses have been permitted to claim lost profit damages in situations where owners have experience in the business they are seeking to establish, and where the business is in an established market.” *Resort Video, Ltd. v. Laser Video, Inc.*, 35 Cal.App.4th 1679 (1995). And, furthermore,

“It is the generally accepted rule, in order to recover damages projected into the future, that a plaintiff must show with reasonable certainty that detriment from the breach of contract will accrue to him in the future. Damages which are remote, contingent, or merely possible cannot serve as a legal basis for recovery.” *California Shoppers, Inc. v. Royal Globe Insurance Co.*, Cal.App.3d 1 (1985).

An Expenditure

If Petitioner's activity might somehow be deemed to have influenced any federal election, in accordance with 52 U.S.C. § 30101(9)(A), "[t]he term 'expenditure' includes. . . (i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person *for the purpose of influencing any election for Federal office*; and beyond what has been noted above, there are a total of 25 entries for Uber transportation, totalling less than \$5,000.00, 25 entries for transportation, amounting to less than \$5,000.00, even cumulatively, and 21 entries coded as software, but which mostly represents mislabelled videos and court related matters, categories discussed above.

If Petitioner's activity might somehow be deemed to have influenced any federal election, in accordance with 52 U.S.C. § 30101(9)(A)(ii), "[t]he term 'expenditure' includes. . . a written contract, promise, or agreement to make an expenditure", but nothing reported in the 552 entries conforms to that description.

According to one account regarding an early advocate for religious liberty in the Commonwealth:

Jeremiah Moore challenged the restrictions on licensing dissenting ministers in 1773 by preaching in Alexandria. He was apprehended at least once and possibly three times. He himself wrote of this in 1808:

"I have felt the effects of the ecclesiastical establishment and have been told by the Judge from his seat 'you shall lay in jail until you rot' when my only crime was no other than that of preaching the Gospel of Jesus Christ."

Like other Baptist ministers incarcerated in Virginia, he frustrated the authorities by preaching through the bars of his jail cell. His stand for freedom of religion undoubtedly came to the attention of Fairfax County's future Revolutionary leaders, including George Washington, George Mason, and Charles Broadwater, all justices of the County Court and vestrymen of the Episcopal Church before the Revolution.

According to one of Moore's great grandson's, Patrick Henry defended Jeremiah Moore in Court, and Justice Charles Broadwater ordered him released from prison. John D. Sinks, "The Life and Times of Jeremiah Moore," *Fairfax Resolve Chapter*, http://www.fairfaxresolvessar.org/content/ffx_patriotic_patriotgravemarking/jeremiah_moore.html (accessed April 23, 2022).

Another troublemaker preacher wrote, in a rather well developed phrasing of the distinction between a facial and an as-applied challenge, “Now there is nothing wrong with an ordinance which requires a permit for a parade, but when the ordinance is used to preserve segregation and to deny citizens the *First-Amendment* privilege of peaceful assembly and peaceful protest, then it becomes unjust,” Martin Luther King, Jr., *Letter from a Birmingham Jail Cell*, April 16, 1963, and, under 52 U.S.C. § 30101(9)(B)(i), “[t]he term ‘expenditure’ does not include. . . any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate”, and it is of significance that the Candidate was never mentioned in the press, despite three litigations that proceeded all the way to the U.S. Supreme Court. *See Webb v. Northam*, Case No. CL20001624 (Alexandria Cir. 2020), *on appeal* Record No. 210536 (Va. 2021), *on petition for certiorari* Record No. TBD (U.S. 2022); *Webb v. Wilson*, Case No. CL21001769 (Alexandria Cir. 2020), *on appeal* Record No. TBD (Va. 2020); *Webb v. State Board of Elections*, Case No. CL20-2459-00 (Richmond Cir. 2020); *In re: Major Mike Webb*, Civil Action No. 3:20CV734 (E.D.Va. 2020); *In re: Major Mike Webb*, Record No. 20-1997 (4th Cir. 2021); *Webb v. Northam*, Civil Action No. 3:2020-cv-00497, *on appeal* No. 20-1968 (4th Cir. 2021), *on appeal* Record No. 21-6170(U.S. 2020); *Webb v. Fauci*, Civil Action No. 3:2021-cv-00432 (E.D.Va. 2021), *on appeal* Record No. 21-2394 (4th Cir. 2021); *Webb v. Fauci*, Record No. 21-6868 (U.S. 2021); *In re: Mike Webb/Webb v. Porter*, Case No. CL21001829 (Alexandria Cir. 2021), *on appeal* Record No. TBD (Va. 2022).

In one troublemaker preacher’s last public address, he noted that even in his day, “the press never got around to that.” Martin Luther King, Jr., *I’ve Been to the Mountaintop*, April 3, 1968.

Encourage to Vote or Register

Under 52 U.S.C. § 30101(9)(B)(ii), “[t]he term ‘expenditure’ does not include. . . *nonpartisan activity designed to encourage individuals to vote or to register to vote*”. (emphasis added), at most, under the facts before review, one may only speculate that Petitioner’s efforts might be described as encouraging individuals to vote or register to vote, expenditures, personally made by the Candidate, and, not subject to the regulation, rendering the civil money fine improper.

Accordingly, notwithstanding a total of 552 transactions, recorded as in-kind contributions, as defined under 11 CFR 100.52(d), if, under the law, Petitioner, being deemed neither a person nor a citizen, could in no ways be described as a candidate seeking election to a Federal office made neither, for purposes of 52 U.S.C. § 30101, who in no ways could reasonably described to have, under the facts, have made any contribution or expenditure to affect any Federal election, imposing any civil money penalty would be improper, and, under the facts, State Action in retaliation against *First Amendment* free speech and religion principles.

A Miscalculation

“[W]here the operation of an established business is prevented or interrupted, as by a . . . breach of contract . . . , damages for the loss of prospective profits that otherwise might have been made from its operation are generally recoverable for the reason that their occurrence and extent may be ascertained with reasonable certainty from the past volume of business and other provable data relevant to the probable future sales.” *Sargon v. Univ. Southern Cal.*, 55 Cal.4th 747 (2012), and, according to records maintained by the FEC, the Committee has \$474.16 cash on hand, amounting to 38 times less than the civil money penalty, and, of record, “32.8% of the people in Arlington are religious”, Staff, “Religion in Arlington, Virginia,” *Best Places*, <https://www.bestplaces.net/religion/city/virginia/arlington> (accessed

April 19, 2022), and the popularly elected representative in the U.S. Congress, Don Beyer, Jr., has stated, “[r]eligion means imposing your rules and practices and beliefs on everyone else”, and that he has “four children, none of whom have even the slightest inclination toward God, religion, or church.” Don Beyer, Jr., “Always Searching, Always Bent on Discovering,” *Secular Coalition of America*, February 24, 2021. And, although he has conceded that he wants “to believe in the power of prayer”, he relies upon Aristotle, who had proffered that “the presence of timber is not sufficient to build a boat”. *Id.*

According to the records maintained by FEC, the Committee had \$406,318.67 in itemized individual contributions, recorded in 552 individual entries, and every single entry, without exception, to the Committee, was donated by only one donor, the Candidate and Treasurer, who, of record, is nowhere listed as a millionaire. However, a review of the data, maintained by FEC, will find a total of 286 entries for exactly 850.00, totalling \$243,100.00, reported as in-kind contributions, recorded at a determined market value, for videos produced by the candidate, in exercise of free speech, generally pertaining to what former Virginia State Attorney General has described as “a once-in-a-century pandemic”, characterized as “threaten[ing] irreparable harm to an unknown (and unknowable) number of people”, *Opp. Brief, Hughes v. Northam*, Civil Action No. CL20-415 (Russell Cy. Cir. 2020). And, it is generally acknowledged that, under the *First Amendment*, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

While the Court concur with the view adopted by the Court of Appeals on the facts in the matter before it in *Buckley v. Valeo*, 424 U.S. 1 (1976), it had, nonetheless, noted that:

The *O’Brien* case involved a defendant’s claim that the *First Amendment* prohibited his prosecution for burning his draft card because his act was “symbolic speech” engaged in as a “ ‘demonstration against the war and against the draft.’ ” 391 U.S. at 376. On the assumption that “the alleged communicative element in O’Brien’s conduct [was]

sufficient to bring into play the *First Amendment*,” the Court sustained the conviction because it found “a sufficiently important governmental interest in regulating the nonspeech element” that was “unrelated to the suppression of free expression” and that had an “incidental restriction on alleged *First Amendment* freedoms . . . no greater than [was] essential to the furtherance of that interest.” *Id.* at 391 U. S. 376-377. The Court expressly emphasized that *O’Brien* was not a case

“where the alleged governmental interest in regulating conduct arises in some measure because the communication allegedly integral to the conduct is itself thought to be harmful.”

There are, amongst the 552 individual entries, a total of 21 records, maintained by FEC, in the amount of \$300.00, totalling \$6,300.00, the fair market value of pleadings entered in cases in both state and federal courts, in litigation brought, as a *pro se* litigant, in part, just for the opportunity for the Candidate to be able to qualify for having his name appear on the ballot, but also raising claims in defense of the free exercise of religion, an issue about which the former Virginia Governor, Ralph Northam, had, himself, publicly “conceded that he could not legally limit in-person worship ceremonies, noting that the recent Supreme Court decision against the state of New York prevented him from doing that”. Charlie Spiering, “Gov. Ralph Northam Tightens Coronavirus Restrictions: You Don’t Have to Sit In Church for God to Hear Your Prayers,” *Breitbart*, December 10, 2020.

Yet, in abnegation of “a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open”, not even a patent violation of the *FACE Act*, blocking Petitioner’s access to a “safe” place of worship during an unprecedented pandemic, was sufficient, after to preclude Facebook from disabling his social media account for what had been described as “security reasons”, as in evidence at Exhibit E, just four days after an order was issued for censorship, directed by the White House. Steve Nelson, “White House ‘flagging’ posts for Facebook to censor over COVID ‘misinformation’,” *New York Post*, July 15, 2021.

The nation’s highest court had once recognized that “closely allied to freedom of speech and a right which, like free speech, lies at the foundation of a free society”, *Shelton v.*

Tucker, 364 U. S. 479 (1960), that “it can hardly be doubted that the constitutional guarantee has its fullest and most urgent application precisely to the conduct of campaigns for political office”, *Monitor Patriot Co. v. Roy*, 401 U. S. 265 (1971), and that “a candidate’s expenditure of his personal funds directly facilitates his own political speech”, n.58, *Buckley v. Valeo*, 424 U.S. 1 (1976). But, clearly, on all evidence here, this neither applies to those who are neither person nor citizen, recognized by the law.

Accordingly, notwithstanding a total of 552 transactions, recorded as in-kind contributions, as defined under 11 CFR 100.52(d), if, under the law, Petitioner, being deemed neither a person nor a citizen, could in no ways be described as a candidate seeking election to a Federal office made neither, for purposes of 52 U.S.C. § 30101, who in no ways could reasonably described to have, under the facts, have made any contribution or expenditure to affect any Federal election, imposing any civil money penalty would be improper, and, under the facts, State Action in retaliation against *First Amendment* free speech and religion principles, particularly where such civil money penalties had been imposed in an arbitrary and capricious miscalculation in abuse of discretion granted to FEC under the law.

Reasonably Unforeseen Circumstances

As admitted in its March 18, 2022 correspondence, the FEC will consider challenges only based upon a factual error in the finding, a miscalculation of the civil money penalty or a demonstration of best efforts to timely file, prevented by reasonably unforeseen circumstances that were beyond an appellant’s control.

Nothing Short of Clairvoyance

In *The Amistad*, 40 U.S., at 518, Justice Taney had reasoned that “all persons within the limits of a State are entitled to the protection of its laws” and that “[w]hen the *Amistad* arrived, she was in possession of the negroes, asserting their freedom, and in no sense could

they possibly intend to import themselves here, as slaves or for sale as slaves”, but, a reasonable person, competent court of jurisdiction or trier of fact would “think that nothing short of clairvoyance would have enabled. . . [anyone] to anticipate that this Court, or any court, would approve dismissal of. . . [a] case for ‘want of prosecution’”, *Link v. Wabash R. Co.*, 370 U.S. 626 (1962), where a duly filed praecipe directing a sheriff to serve a summons and complaint upon a Governor, in accordance with Va. R. Sup. Ct. 3:5, but in a “a once-in-a-century pandemic”, characterized as “threaten[ing] irreparable harm to an unknown (and unknowable) number of people”, Opp. Brief, *Hughes v. Northam*, Civil Action No. CL20-415 (Russell Cy. Cir. 2020), but such did occur, *see Webb v. Northam*, Case No. CL20001624 (Alexandria Cir. 2020), *on appeal* Record No. 210536 (Va. 2021), *on petition for certiorari* Record No. TBD (U.S. 2022), prompting an affidavit to the Commonwealth Attorney, in accordance with Va. Code § 19.2-217¹², to request an information to prosecute crimes, including contempt of court, in violation of Va. Code § 16.1-264, malfeasance, in violation of Va. Code § 2.2-3122, evasion of a summons, in violation of 18 U.S.C. § 1512(b)(2)(C), a predicate offense under the federal racketeering statute, 18 U.S.C. § 1961(1)(B)¹³, and a conspiracy to violate civil rights, in violation of 18 U.S.C. § 241, in the first filed and longest surviving litigation brought against the lockdowns in the Commonwealth, as in evidence at Exhibit **F**, a matter not reported in the press.

One would not reasonably expect that routine procedure to escalate to the level of a petition for writ of mandamus to compel the Commonwealth Attorney to comply with his

¹² “An information may be filed by the attorney for the Commonwealth based upon a complaint in writing verified by the oath of a competent witness; but no person shall be put upon trial for any felony, unless an indictment or presentment shall have first been found or made by a grand jury in a court of competent jurisdiction or unless such person, by writing signed by such person before the court having jurisdiction to try such felony or before the judge of such court shall have waived such indictment or presentment, in which event he may be tried on a warrant or information. If the accused be in custody, or has been recognized or summoned to answer such information, presentment or indictment, no other process shall be necessary; but the court may, in its discretion, issue process to compel the appearance of the accused.” *Id.*

¹³ A pattern of racketeering “requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity”. 18 U.S.C. § 1961(5)

mandatory duty, under Va. Code § 15.2-1627(B), of “prosecuting all warrants, indictments or informations charging a felony,” or that, the same might attempt to evade a summons first from the Sheriff who chose not to serve it and the complaint, in addition to a commercial process server and then go on to aver, in demurrer, that he possessed the discretion to refuse to investigate or prosecute felonies, as in evidence at Exhibit G, but such did occur, *In re: Mike Webb/Webb v. Porter*, Case No. CL21001829 (Alexandria Cir. 2021), *on appeal* Record No. TBD (Va. 2022), a matter not reported in the press, but coincident with the decision of the Police Chief to suddenly resign moments after the complaint was filed at the Circuit Court, Colleen Kelleher, “Alexandria police chief to retire,” *WTOP*, June 4, 2021, and coincident with the Sheriff’s sudden decision, before his anticipated retirement, Staff, “Sheriff Lawhorne to retire at end of 2021,” *Alexandria Times*, March 11, 2021, to not only ignore the Governor’s warnings about places of worship being a hotbed of infection, Charlie Spiering, “Gov. Ralph Northam Tightens Coronavirus Restrictions: You Don’t Have to Sit In Church for God to Hear Your Prayers,” *supra*, and the known risk to the elderly to a pandemic pathogen, Ryan Grenoble, “U.S. COVID Deaths Surpass Grim Milestone Of More Than 800,000,” *Huffington Post*, December 14, 2021, but also to become a member of Petitioner’s Christian evangelical, Southern Baptist Churches affiliated congregation, immediately before the election, Staff, “Sunday, October 17, 2021 (FULL SERVICE),” *FBC Alexandria*, October 17, 2021, <https://subspla.sh/jb2b7y8> (accessed October 31, 2021), an election lost by Virginia Democrat Mark Herring, Press Room, “Miyares elected Virginia attorney general, denying Herring a 3rd term,” *PBS*, November 3, 2021, the candidate he had earlier endorsed, Lowell Feld, “15 Commonwealth Sheriffs Endorse Attorney General Mark Herring For Reelection,” *Blue Virginia*, August 2, 2021, and who had boasted of his defense of the former Virginia Governor’s public health response, in a press release that made not even mention of Petitioner’s litigation. Mark Herring, “Attorney General Herring Again

Successfully Defends Virginia's COVID Safety Measures," *Blue Virginia*, August 24, 2020.

However, the Fourth Circuit had observed that "'[a]ll power may be abused if placed in unworthy hands,'" *U.S. v. Chalk*, 441 F.2d 1277 (4th Cir. 1971) (quoting *Luther v. Borden*, 48 U.S. (7 How.) (1849)), just as it had been previously recognized by the Founders that, "[i]f men were angels, no government would be necessary", James Madison, *Federalist No. 51*, February 6, 1788, and emphasized the role of the Judiciary in ensuring the proper administration of justice, and protection against manifest injustice, stating that "[t]he courts cannot prevent abuse of power, but can sometimes correct it." *Chalk*, 441 F.2d, at 1277, and, for this reason, "[p]remised on mistrust of governmental power, the *First Amendment* stands against attempts to disfavor certain subjects or viewpoints. *Citizens United*, Record No. 08-205, 558 U.S., at 310 (2010) (citing *U.S. v. Playboy Entertainment Group, Inc.*, 529 U. S. 803, 813 (2000).

Disparate Treatment

By correspondence, dated March 18, 2022, the Federal Elections Commission (FEC) had found reason to believe that Friends for Mike Webb, ID: C00591537, hereinafter referred to as "the Committee", not file a report covering the period October 1, 2021 through December 31, 2021 no later than January 31, 2022, in accordance with 52 U.S.C. § 30104(a), and had assessed a civil money penalty of \$18,081, based upon a Level of Activity determined to be \$203,047, due no later than April 25, 2022; however, as indicated in correspondence to the FEC, as in evidence at Exhibit H, on January 26, 2022, Petitioner did file with the U.S. District Court a Petition for Review on a prior decision by the Agency regarding a similar RTB, related to filings for the year ending December 31, 2020, to which, even to date, the Agency has neither acknowledged nor presented a reply or appearance in the court of competent jurisdiction, under the procedure outlined in its correspondence, *Webb v. FEC*, Civil Action No. 3:2022-CV-00047 (E.D.Va. 2022), arguably in denial of equal protection,

and definitely in denial of due process under the *Fifth Amendment*.

In a Verified Complaint, Petitioner had alleged that, in disparate treatment, the Agency had declined to prosecute a matter involving Friends of Don Beyer, Case Number MUR 7691, involving donations totalling \$3,000 that had been received from the super PAC for the National Active and Retired Federal Employees Union, as in evidence at Exhibit I, notwithstanding the fact that “the *Bipartisan Campaign Reform Act of 2002 (BCRA)*, federal law prohibited—and still does prohibit—corporations and unions from using general treasury funds to make direct contributions to candidates or independent expenditures that expressly advocate the election or defeat of a candidate, through any form of media, in connection with certain qualified federal elections.” *Citizens United v. FEC*, Record No. 08-205, 558 U.S. 310 (2010) (citing 2 U. S. C. § 441b (2000 ed.). See *McConnell v. FEC*, 540 U. S. 93 (2003), and n. 87; *FEC v. Massachusetts Citizens for Life, Inc.*, 479 U. S. 238 (1986) (MCFL).

“The Government may regulate corporate political speech through disclaimer and disclosure requirements, but it may not suppress that speech altogether”, *Citizens United*, Record No. 08-205, 558 U.S., at 310, and the dissent in that case before the nation’s highest court had made a significant “distinction between corporate and human speakers”, emphasizing that “[a]lthough they make enormous contributions to our society, corporations are not actually members of it”, that “[t]hey cannot vote or run for office”, and that “[b]ecause they may be managed and controlled by nonresidents, their interests may conflict in fundamental respects with the interests of eligible voters.” *Id.* (Stevens dissenting).

It was the opinion of that dissent in that prominent case before the nation’s highest court that “[t]he financial resources, legal structure, and instrumental orientation of corporations raise legitimate concerns about their role in the electoral process” and that “[o]ur lawmakers have a compelling constitutional basis, if not also a democratic duty, to take measures designed to guard against the potentially deleterious effects of corporate spending in local

and national races.” *Id.*

Following the Science

“The spaces which a body describes by any finite force urging it, whether that force is determined and immutable, or is continually augmented or continually diminished, are in the very beginning of the motion one to the other in the duplicate ratio of the times”, Isaac Newton, *Philosophiæ Naturalis Principia Mathematica (The Mathematical Principals of Natural Philosophy)* (Andrew Motte translation), Book I, Section 1, Lemma X, or translated as “for every action there is an equal and opposite reaction, commonly known as Newton’s Third Law of Inertia.

Courts have held that “[a] racial classification, regardless of purported motivation, is presumptively invalid and can be upheld only upon extraordinary justification” *Personnel Administrator of Massachusetts v. Feeney*, 442 U.S. 256 (1979). And, while it is clear that, notwithstanding the fact that a member of a suspect class, such as a minority race, or in an issue that involves a substantive right, like religion, would be entitled to strict scrutiny, Gray, *see also Clever v. Cherry Hill Twp. Bd. of Educ.*, 838 F. Supp. 929 (D.N.J. 1993) (quoting *County of Allegheny*, 492 U.S. 573 (1989) (“[T]he Court has ‘expressly required ‘strict scrutiny’ of practices suggesting a ‘denominational preference.’”) and while it is clear that, with regard, at least a motive found in racial discrimination, “[p]roof of racially discriminatory intent or purpose is required to show a violation of the *Equal Protection Clause*”, *Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977), it is of at least probative value that Virginia has a tortured history of court-ordered desegregation, and the nation’s highest court has determined that “remedying the effects of past intentional discrimination is a compelling interest under the strict scrutiny test,” but limited to those jurisdictions where there existed segregation “by law []or subject to court-ordered desegregation”. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S.

701 (2007) (citing *Freeman v. Pitts*, 503 U.S. 467 (1992)), while the history regarding religious discrimination has been averred above.

However, when it was reported that “Press Secretary Jen Psaki said that the White House was collaborating with social media companies to censor COVID ‘disinformation’,” Caroline Downey, “Psaki: White House ‘Flagging’ COVID ‘Disinformation’ for Social Media Censors,” *National Review*, July 15, 2021, converting that social media platform to a designated public forum, shifting the focus of that review to “intent by examining its policies and practices and the nature of the property” to determine whether restrictions on content based speech were reasonable in that venue, *Ctr. for Investigative Civil Action Reporting v. Se. Pennsylvania Transportation Auth.*, 344 F. Supp. 3d 791 (E.D. Pa. 2018), and that Petitioner’s Facebook account was immediately disabled just four days later, ostensibly for “security reasons”, the clear issue in this matter is one of free speech, and adverse actions deemed in retaliation within a reasonable time after a protected activity.

The Threat of Viruses to Mankind

As explained in one video produced by Petitioner, Major Mike Webb for Congress, “SOL? Prerequisites? Is That Even a Word?” *YouTube*, May 3, 2021, <https://youtu.be/ppLhrRUP58w>, as averred in the Verified Complaint and Supporting Affidavit, *Webb v. Northam*, Civil Action No. 3:2022-CV-00222 (E.D.Va. 2022), as well as a recently filed Petition for Writ of Mandamus to compel a grand jury, *In Re: Major Mike Webb*, 22-1422 (Fourth Cir. 2022), a medical doctor knows, or should have known that, at least within the scientific community, it is well established that viruses are the most abundant biological particles in the world, Patrick Forterre, *Defining Life: The Viral Viewpoint*, 40 *Orig. Life Evol. Biosph.* 2, pp. 151-160 (April 2010).

As medical doctor knows, or should have known that, first discovered independently in 1892, with regard to tobacco virus, and in 1898, with regard to the mosaic virus, associated

with hoof and mouth disease, Mark Woolhous *et al.*, *Human viruses: discovery and emergence*, Phil. Trans. R. Soc. B, 367, pp. 2864-2871 (2012), around the time of the emergence of the Middle East Respiratory Syndrome (MERS) virus, Emmie de Wit, *et al.*, *SARS and MERS: recent insights into emerging coronaviruses*, 14 Nat. Rev. Microbiol. 8, pp. 523-34, June 27, 2016, doi: 10.1038/nrmicro.2016.81 (“The emergence of Middle East respiratory syndrome coronavirus (MERS-CoV) in 2012 marked the second introduction of a highly pathogenic coronavirus into the human population in the twenty-first century.”), it had been determined that “[t]here are 219 virus species that are known to be able to infect humans”, Mark Woolhous *et al.*, *Human viruses: discovery and emergence, supra.*

A medical doctor knows, or should have known that, until recently there were only a total of seven human coronaviruses,); Staff, “Human Coronavirus Types,” CDC, February 15, 2020, <https://www.cdc.gov/coronavirus/types.html> (accessed July 15, 2020), and only four of which were so common that they were described as “Common Human Coronaviruses,” which included “1. 229E (alpha coronavirus)[;] 2. NL63 (alpha coronavirus)[;] 3. OC43 (beta coronavirus)[; and] HKU1 (beta coronavirus); Staff, “Human Coronavirus Types,” *supra*; *see also* CDC Common CoV Fact Sheet 508, Common Coronavirus Types, <https://www.cdc.gov/coronavirus/downloads/Common-HCoV-fact-sheet-508.pdf> (accessed April 30, 2020) (“[c]ommon human coronaviruses usually spread from an infected person to others through. . . the air by coughing and sneezing[;] close personal contact, like touching or shaking hands[; and/or] touching an object or surface with the virus on it, then touching your mouth, nose, or eyes before washing your hands)¹, while the remaining three ring of familiarity, having been associated with notorious outbreaks: 2019-nCoV, SARS-CoV, and MERS-CoV”. Staff, “Human Coronavirus Types,” *supra.*

A medical doctor knows, or should have known that, among these four of these common human coronaviruses are included the five human coronaviruses that suddenly emerged

between 2003 and 2005, all apparently derived from bat coronaviruses,

A medical doctor knows, or should have known that the Chinese have admitted to have successfully cultured *in vitro* at least one coronavirus from the reservoir resident in bats located in Yunnan, Susanna K.P. Lau, *et al.*, *Possible Bat Origin of Severe Acute Respiratory Syndrome Coronavirus 2*, 26 *Emerging Infectious Diseases* 7, pp. 1542-1547 (July 2020) (“Most SARSr-BatCoVns have not been successfully cultured *in vitro*, except for some Yunnan strains that had human/civet SARS-like RBDs and were shown to use hACE2”), and in the virologic lab located in Wuhan. Xing-Yi Ge, *et al.*, *Isolation and characterization of a bat SARS-like coronavirus that uses the ACE2 receptor*, 503 *Nature*, pp. 535-538 (2013), <https://doi.org/10.1038/nature12711>; B. Hu, *et al.*, *Discovery of a rich gene pool of bat SARS-related coronaviruses provides new insights into the origin of SARS coronavirus*, 13 *PLoS Pathog*, pp. e1006698 (2017). *But see* Kristian G. Andersen, *et al.*, *The proximal origin of SARS-CoV-2*, 26 *Nature Medicine*, pp. 450-455 (April 2020); *WHO-convened Global Study of Origins of SARS-CoV-2: China Part*, Joint WHO-China Study, January 14, 2021 to February 10, 2021. *See also* Z. Wu, *et al.*, *Novel Henipa-like Virus, Mojiang Paramyxovirus, in Rats, China, 2012*, 20 *Emerging Infectious Diseases* 6, pp.1054-1056 (June 2014), <https://dx.doi.org/10.3201/eid2006.131022> (“In June 2012, in Mojiang Hani Autonomous County, Yunnan Province, China, severe pneumonia without a known cause was diagnosed in 3 persons who had been working in an abandoned mine; all 3 patients died.”).

A medical doctor knows, or should have known that, amazingly, around the time of the sudden emergence of the Severe Acute Respiratory Syndrome (SARS) virus, Karen Shaw, *The 2003 SARS outbreak and its impact on infection control practices*, 120 *Pub. Health* 1, pp. 8-14, November 16, 2005, doi: 10.1016/j.puhe.2005.10.002, between the years 2003 and 2005, a total of five human coronaviruses suddenly emerged. Jeffrey S. Kahn & Kenneth McIntosh, *History and recent advances in coronavirus discovery*, 24 *Pediatr. Infect. Dis. J.*

11(Suppl.), S223-7, discussion S226 (November 2005), doi:

10.1097/01.inf.0000188166.17324.60. PMID: 16378050¹⁴ (“Since 2003, at least 5 new human coronaviruses have been identified, including the severe acute respiratory syndrome coronavirus, which caused significant morbidity and mortality.”)¹⁵.

An army surgeon knows, or should have known that it is a fact that biological warfare is

¹⁴ “Coronaviruses (CoVs) are common viral respiratory pathogens that primarily cause symptoms in the upper respiratory and gastrointestinal tracts. In 1960s, two CoVs, 229E and OC43, were identified in clinical samples from patients experiencing the common cold [footnote omitted]. More recently, four additional human CoVs have been successively identified: severe acute respiratory syndrome coronavirus (SARS-CoV) in 2002, NL63 in late 2004, HKU1 in January 2005, and Middle East respiratory syndrome coronavirus (MERS-CoV) in 2012. However, two betacoronaviruses (beta-CoVs), SARS-CoV and MERS-CoV, are notable as they have caused severe and fatal infections, leading to 774 and 858 deaths to date, respectively, suggesting that betaCoVs may be of particular concern to human health. In December 2019, viral pneumonia caused by an unidentified microbial agent was reported, which was soon identified to be a novel coronavirus [footnotes omitted], now termed SARS-CoV-2 [5]. The number of patients infected with SARS-CoV-2 has increased sharply since January 21, 2020, and confirmed SARS-CoV-2 cases were present in all the Chinese provinces and municipalities by the end of January. The virus also spread rapidly outside of China in March and the World Health Organization had to declare a coronavirus disease 2019 (COVID-19) pandemic on March 11, 2020. As of April 15, 2020, more than two million confirmed SARS-CoV-2 cases have been reported, with >130,000 deaths worldwide.” Hong Zhou, *et al.*, *Report: A Novel Bat Coronavirus Closely Related to SARS-CoV-2 Contains Natural Insertions at the S1/S2 Cleavage Site of the Spike Protein*, 30 *Curr. Bio.*, pp. 2196–2203, June 8, 2020, <https://doi.org/10.1016/j.cub.2020.05.023>.

¹⁵ Until recently there were only a total of seven human coronaviruses,); Staff, “Human Coronavirus Types,” *CDC*, February 15, 2020, <https://www.cdc.gov/coronavirus/types.html> (accessed July 15, 2020), and only four of which were so common that they were described as “Common Human Coronaviruses,” which included “1. 229E (alpha coronavirus)[;] 2. NL63 (alpha coronavirus)[;] 3. OC43 (beta coronavirus)[;] and] HKU1 (beta coronavirus); Staff, “Human Coronavirus Types,” *supra*; *see also* *CDC Common CoV Fact Sheet 508, Common Coronavirus Types*, <https://www.cdc.gov/coronavirus/downloads/Common-HCoV-fact-sheet-508.pdf> (accessed April 30, 2020) (“[c]ommon human coronaviruses usually spread from an infected person to others through. . . the air by coughing and sneezing[;] close personal contact, like touching or shaking hands[; and/or] touching an object or surface with the virus on it, then touching your mouth, nose, or eyes before washing your hands)¹⁵, while the remaining three ring of familiarity, having been associated with notorious outbreaks: 2019-nCoV, SARS-CoV, and MERS-CoV”. Staff, “Human Coronavirus Types,” *supra*, four of which are among the five human coronaviruses that emerged between 2003 and 2005, all derived from bat coronaviruses, and the Chinese have admitted to have successfully cultured *in vitro* at least one coronavirus from the reservoir resident in bats located in Yunnan, Susanna K.P. Lau, *et al.*, *Possible Bat Origin of Severe Acute Respiratory Syndrome Coronavirus 2*, 26 *Emerging Infectious Diseases* 7, pp. 1542-1547 (July 2020) (“Most SARSr-BatCoVs have not been successfully cultured *in vitro*, except for some Yunnan strains that had human/civet SARS-like RBDs and were shown to use hACE2”), and in the virologic lab located in Wuhan. Xing-Yi Ge, *et al.*, *Isolation and characterization of a bat SARS-like coronavirus that uses the ACE2 receptor*, 503 *Nature*, pp. 535-538 (2013), <https://doi.org/10.1038/nature12711>; B. Hu, *et al.*, *Discovery of a rich gene pool of bat SARS-related coronaviruses provides new insights into the origin of SARS coronavirus*, 13 *PLoS Pathog*, pp. e1006698 (2017). *But see* Kristian G. Andersen, *et al.*, *The proximal origin of SARS-CoV-2*, 26 *Nature Medicine*, pp. 450-455 (April 2020); *WHO-convened Global Study of Origins of SARS-CoV-2: China Part*, Joint WHO-China Study, January 14, 2021 to February 10, 2021. *See also* Z Wu, *et al.*, *Novel Henipa-like Virus, Mojiang Paramyxovirus, in Rats, China, 2012*, 20 *Emerging Infectious Diseases* 6, pp.1054-1056 (June 2014), <https://dx.doi.org/10.3201/eid2006.131022> (“In June 2012, in Mojiang Hani Autonomous County, Yunnan Province, China, severe pneumonia without a known cause was diagnosed in 3 persons who had been working in an abandoned mine; all 3 patients died.”).-

the oldest type of weapon of mass destruction (WMD)¹⁶, dating back to the Mongols in 1347, Thinley Kalsang Bhutia, *et al.*, “Biological Weapons In History,” *Britannica*, November 27, 2017, <https://www.britannica.com/technology/biological-weapon/Biological-weapons-in-history> (February 1, 2021), <https://www.britannica.com/technology/biological-weapon/Biological-weapons-in-history> (February 1, 2021), and the Assyrians in the 6th Century B.C. Staff, “First use of biological warfare,” *Guinness Book of World Records*, January 20, 2002, <https://www.guinnessworldrecords.com/world-records/first-use-of-biological-warfare> (accessed February 1, 2021).

An army surgeon knows, or should have known, of average competence, that it may be readily and reasonably inferred that biological warfare provides a first strike capability, with plausible deniability to exploit the most important principle of warfare, in surprise; so, to counter a doctrinal and historical surreptitious deployment, planners must be familiar with the science of infectious disease and defeat the rebuttable presumption that any emerging public health threat is, in fact, a surprise attack using a biological agent.

Yet, of record, there is no genuine issue of fact that Virginia Governor Ralph Northam did not even, in due diligence, perform any such inquiry to rebut the presumption that COVID-19 had been from the outset a biological agent being deployed as an agent of terror, in potential violation of 18 U.S.C. § 2332b, a predicate offense under the federal racketeering statute, 18 U.S.C. § 1961(1)(G), or make inquiry as to whether or not the biological agent that he had described repeatedly as a “highly contagious disease” may have at some later point been weaponized, as in evidence at Exhibit J.

As one tribunal, considering allegations of crimes against humanity, in violation of

¹⁶ Weapons of mass destruction (WMD), are generally described as “chemical, biological, radiological, nuclear, or high-yield explosives incidents”, or “[a]n emergency resulting from the deliberate or unintentional release of nuclear, biological, radiological, or toxic or poisonous materials or the detonation of a high-yield explosive”, FM 3-11.22, *Weapons of Mass Destruction—Civil Support Team Operations*, March 31, 2009.

Section 1(b) of the Israeli Law and Article 6 of the *Charter of the Nuremberg Tribunal*, described by that court as “catastrophe which recently befell the Jewish People - the massacre of millions of Jews in Europe”, had observed, “undoubtedly he knew the value of the tale about ‘administration of tonics,’ to which he put his signature.” *Attorney General of Israel v. Eichmann*, 36 I.L.R. 5 (Supreme Court of Israel, 1961).

Origins of a Novel Coronavirus

Recent public attention has been raised on Peak Prosperity (Chris Martenson), “Is Covid Actually Snake Venom?” *YouTube*, April 19, 2022, regarding a suspect video, <https://youtu.be/gRpyVPjFzf8> (accessed April 23, 2022), Stew Peterson Show, “Live World Premier: Watch the Water,” <https://rumble.com/v10mnew-live-world-premiere-watch-the-water.html> (accessed April 23, 2022). However, it was known early during the emergence of a novel coronavirus that:

The current outbreak of viral pneumonia in the city of Wuhan, China, was caused by a novel coronavirus designated 2019-nCoV by the World Health Organization, as determined by sequencing the viral RNA genome. Many initial patients were exposed to wildlife animals at the Huanan seafood wholesale market, where poultry, snake, bats, and other farm animals were also sold. To investigate possible virus reservoir, we have carried out comprehensive sequence analysis and comparison in conjunction with relative synonymous codon usage (RSCU) bias among different animal species based on the 2019-nCoV sequence. Results obtained from our analyses suggest that the 2019-nCoV may appear to be a recombinant virus between the bat coronavirus and an origin-unknown coronavirus. The recombination may occurred within the viral spike glycoprotein, which recognizes a cell surface receptor. Additionally, our findings suggest that 2019-nCoV has most similar genetic information with bat coronavirus and most similar *codon usage bias* with snake. Wei Ji, *et al.*, *Cross-species transmission of the newly identified coronavirus 2019-nCoV*, 92 J. Med. Virol., pp. 433-440 (2020). (emphasis added)

For clarification, “[c]odon usage bias refers to the phenomenon where specific codons are used more often than other synonymous codons during translation of genes, the extent of which varies within and among species”, and “[m]olecular evolutionary investigations suggest that codon bias is manifested as a result of balance between mutational and translational selection of such genes and that this phenomenon is widespread across species

and may contribute to genome evolution in a significant manner.” Susanta K. Behura & David W. Severson, *Codon usage bias: causative factors, quantification methods and genome-wide patterns: with emphasis on insect genomes*, 88 Biol. Rev. Camb. Philos. Soc. 1, pp. 49-61 (February 2013) doi: 10.1111/j.1469-185X.2012.00242.x, *epub*. August 14, 2012.

However, a few years ago, Patrick C.Y. Woo and Susana K.P. Lau, co-authors for Susana K.P. Lau, *Possible Bat Origin of Severe Acute Respiratory Syndrome Coronavirus 2*, 26 Emerg. Inf. Dis. 7, pp. 1542-1547, April 21, 2020, doi: <https://doi.org/10.3201/eid2607.200092>, : had reported:

Recently, we reported the discovery of three novel coronaviruses, bulbul coronavirus HKU11, thrush coronavirus HKU12, and munia coronavirus HKU13, which were identified as representatives of a novel genus, Deltacoronavirus, in the subfamily Coronavirinae. *In this territory-wide molecular epidemiology study involving 3,137 mammals and 3,298 birds*, we discovered seven additional novel deltacoronaviruses in pigs and birds, which we named porcine coronavirus HKU15, white-eye coronavirus HKU16, sparrow coronavirus HKU17, magpie robin coronavirus HKU18, night heron coronavirus HKU19, wigeon coronavirus HKU20, and common moorhen coronavirus HKU21. Complete genome sequencing and comparative genome analysis showed that the avian and mammalian deltacoronaviruses have similar genome characteristics and structures. Patrick C.Y. Woo, *et al.*, 86 J. Virol. 7, pp. 3995-4008, (2012), doi: 10.1128/JVI.06540-11, *epub*. January 25, 2012.

However, “[c]oronaviruses (CoVs) are a large group of enveloped viruses with a single-strand RNA genome, which continuously circulate in mammals and birds and pose a threat to livestock, companion animals, and humans.” Justyna Miłek & Katarzyna Blicharz-Domańska, *Coronaviruses in Avian Species – Review with Focus on Epidemiology and Diagnosis in Wild Birds*, 62 J. Vet. Res. 3, pp. 249-255, December 10, 2018, doi: 10.2478/jvetres-2018-0035.

Bottom line: Coronaviruses are limited to infections on avian and mammalian species, and, regardless as to whether “poultry, snake, bats, and other farm animals were also sold” at the Huanan Wholesale Seafood Market, Wei Ji, *et al.*, *Cross-species transmission of the newly identified coronavirus 2019-nCoV, supra*, the probability, based upon past experience, that a snake or any other reptilian species might have been a potential reservoir, would have

been remote. However, these researchers had pressed on in their investigation nonetheless, and reported, surprisingly, by February 19, 2020, “our findings suggest that 2019-nCoV has most similar genetic information with bat coronavirus (sic) and most similar codon usage bias with snake” and that “[t]aken together, our results suggest that homologous recombination may occur and contribute to the 2019-nCoV cross-species transmission.” *Id.*

As observed last year by, researchers involved in the treatment of complications associated with COVID-19:

“With regards to COVID-19 pandemic, some primary care physicians reported that the pathogenesis of COVID-19 brought about by SARS-CoV-2 is initiated by a high hypoxemia in vasculatures and leads to ARDS (Acute Respiratory Distress Syndrome). Collapsed lungs due to many blocked veins by micro-embolism are believed to be the final cause of death for many infected individuals.” Moreover, while even in this report, scientists were beginning to explore the pharmacological uses of snake venoms in the treatment of COVID-19, they also had confirmed that “The excess of coagulation causing thrombosis is reported after snakebites and also for COVID-19 due to increased concentration of coagulation factors or hyperactivation of platelets.” Fatah Chérifi & Fatima Laraba-Djebari, *Bioactive Molecules Derived from Snake Venoms with Therapeutic Potential for the Treatment of Thrombo-Cardiovascular Disorders Associated with COVID-19*, 40 *Protein J.* 6, pp. 799-841, September 9, 2021, doi: 10.1007/s10930-021-10019-4.

And just one day later the WHO would publish their findings, based upon a robust examination of almost 56,000 laboratory confirmed cases, *Report of the WHO-China Joint Mission on Coronavirus Disease 2019 (COVID-19)*, February 16-24 2020, 19 times more cases than were known to be present in the United States by March 15, 2020, CNN, “There are now more than 3,000 cases of coronavirus in the US.” *WSVN*, March 15, 2020, when the nation’s only physician serving as a state governor had begun his lockdowns, Zachary Halaschak, & Jerry Dunleavy, “‘Take this seriously’: Virginia governor bans all gatherings above 100 people,” *Washington Examiner*, March 15, 2020¹⁷, which had been advised against by the WHO in their study back in 2006, as cited in a recent report that had concluded “that

¹⁷ The lockdowns had caused unemployment claims to increase tenfold, Laura Peters, “Study projects Virginia unemployment to nearly double by the summer due to COVID-19,” *Business Leader*, March 25, 2020, cumulatively determined to be the equivalent of a Hurricane Katrina in every state. Mike Allen, “Axios PM,” *Axios*, April 2, 2020.

lockdowns have had little to no effect on COVID-19 mortality”, Jonas Herby, Lars Jonung & Steve H. Hanke, *A Literature Review of Meta-Analysis of the Effects of Lockdowns on Mortality*, 200 Studies in Applied Economics (January 2022), and “two years after the panic few people are still willing to argue that societal shutdowns are the sensible response to Covid.” James Freeman, “The Lockdown Catastrophe,” *Wall Street Journal*, February 2, 2022.

As reiterated in the recent Petition for Writ of Mandamus, Kristian G. Andersen, *see generally* Kristian G. Andersen, *et al.*, *The proximal origin of SARS-CoV-2, supra*, hereinafter referred to as “Andersen”, has admitted, in an email from Kristian Andersen to Anthony Stephen Fauci, hereinafter referred to as “Fauci”, and the Director of the National Institute for Allergy and Infectious Disease (NIAID), dated January 31, 2020, titled, “Re: FW: Science: Mining coronavirus genomes for clues to outbreak’s origin”: “The unusual features of the virus make up a really small part of the genome (<0.1%) so has to look really closely at all the sequences to see that some of the features (potentially) look engineered”.

Andersen stated emphatically, “I should mention that after discussions earlier today, Eddie, Bob, Mike and myself all find the genome inconsistent with expectations from evolutionary theory.” Email from Andersen, Kristian to Fauci, Anthony, Subject: “Re: FW: Science: Mining coronavirus genomes for clues to outbreak’s origin,” dated January 31, at 10:32 p.m.

Anthony Fauci, in an email forwarding a copy of Fauci, dated on or about February 1, 2020, to his Deputy, Hugh Auchincloss, M.D., at NIAID, conceded knowledge of joint research in 2015 between UNC-Chapel Hill with the Wuhan Virologic Institute in the successful cultivation *in vivo* and *in vitro* of a SARS-like coronavirus, *see generally* Vineet D. Machchery, *et al.*, *A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence*, 9 Nature Science (November 2015), a confirmation, at least, of U.S.

funding or actionable knowledge regarding dual use of concern (DURC), with high indicia that this transnational project was performed as a part of a Special Access Program (SAP)¹⁸.

While one claim from a futurist, *see* Amy Webb, “The Next Pandemic Could Start with a Terrorist Attack,” *The Atlantic*, February 14, 2022 has indicated that “[i]n 2000, a team of researchers at the State University of New York at Stony Brook kicked off a two-year experiment to determine whether they could synthesize a live virus from scratch using only publicly available genetic information, off-the-shelf chemicals, and mail-order DNA”, a “project was financed with \$300,000 from the Defense Advanced Research Projects Agency, as part of a program to develop biowarfare countermeasures”, and that “[t]he researchers purchased short stretches of DNA and painstakingly pieced them together, using 19 additional markers to distinguish their synthetic virus from the natural strain they were attempting to reproduce”, according to national science authorities,

viruses are simply packets of nucleic acid, either DNA or RNA, surrounded by a protein shell and sometimes fatty materials called lipids. Outside a living cell, a virus is a dormant particle, lacking the raw materials for reproduction. Only when it enters a host cell does it go into action, hijacking the cell’s metabolic machinery to produce copies of itself that may burst out of infected cells or simply bud off a cell membrane. *This lack of self-sufficiency means that viruses cannot be cultured in artificial media for scientific research or vaccine development; they can be grown only in living cells, fertilized eggs, tissue cultures, or bacteria.* Madeline Drexler, *What You Need to Know About Infectious Disease*, “How Infection Works,” National Academies Press (2010), <https://www.ncbi.nlm.nih.gov/books/NBK209710/>.

As averred in the Verified Complaint and Supporting Affidavit, in *Diamond v. Chakrabarty*, 447 U.S. 303 (1980), holding that bacteria not occurring in nature could be patented, the U.S. Supreme Court reiterated, for purposes of a proprietary or intellectual property interest, that:

the laws of nature, physical phenomena, and abstract ideas have been held not patentable. *See Parker v. Flook*, 437 U.S. 584 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 409 U.S. 67 (1972); *Funk Brothers Seed Co. v. Kalo Inoculant Co.*, 333 U.S. 127, 333 U.S. 130

¹⁸ “‘Special access program’ means a program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level.” William J. Clinton, Executive Order 12,958, *Classified National Security Information*, Section 4.1(h), April 17, 1995.

(1948); *O'Reilly v. Morse*, 15 How. 62, 56 U.S. 112-121 (1854); *Le Roy v. Tatham*, 14 How. 156, 55 U.S. 175 (1853). Thus, a new mineral discovered in the earth or a new plant found in the wild is not patentable subject matter. Likewise, Einstein could not patent his celebrated law that $E=mc^2$; nor could Newton have patented the law of gravity. Such discoveries are “manifestations of . . . nature, free to all men and reserved exclusively to none.” *Funk, supra* at 333 U.S. 130.

As reiterated in the recent Petition for Writ of Mandamus, in *Association for Molecular Pathology v. Myriad Genetics*, Docket No. 12-398, 566 U.S. ____ (2013), the U.S. Supreme Court had extended this rule to viruses, DNA and RNA.

As averred in the Petition for Writ of Mandamus, , under William J. Clinton, Executive Order 12,958, *Classified National Security Information*, Section 1.5, April 17, 1995, “[i]nformation may not be considered for classification unless it concerns: (a) military plans, weapons systems, or operations; (b) foreign government information; (c) intelligence activities (including special activities), intelligence sources or methods, or cryptology; (d) foreign relations or foreign activities of the United States, including confidential sources; (e) scientific, technological, or economic matters relating to the national security; (f) United States Government programs for safeguarding nuclear materials or facilities; or (g) vulnerabilities or capabilities of systems, installations, projects or plans relating to the national security”, and, pursuant to Section 1.8(a), it is abundantly clear that, “[i]n no case shall information be classified in order to: (1) conceal violations of law, inefficiency, or administrative error; (2) prevent embarrassment to a person, organization, or agency; (3) restrain competition; or (4) prevent or delay the release of information that does not require protection in the interest of national security.”

Under Executive Order 12,958, Part I, Sec. 1.2(a)(2), “[i]nformation may be originally classified under the terms of this order only if all of the following conditions are met: (1) an original classification authority is classifying the information; (2) *the information is owned by, produced by or for, or is under the control of the United States Government*; (3) the information falls within one or more of the categories of information listed in section 1.5 of

this order; and (4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in damage to the national security and the original classification authority is able to identify or describe the damage.

(emphasis added)

Furthermore, under Executive Order 12958, Part I, Section 1.1(b), “[i]nformation’ means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is *owned by, produced by or for, or is under the control of the United States Government.*” (emphasis added) *See also* Executive Order No. 12,356, *National Security Information*, Section 6.1(b)¹⁹.

Furthermore, under Executive Order 12,958, Part I, Sec. 1.2(a)(2), “[i]nformation may be originally classified under the terms of this order only if all of the following conditions are met: (1) an original classification authority is classifying the information; (2) *the information is owned by, produced by or for, or is under the control of the United States Government;* (3) the information falls within one or more of the categories of information listed in section 1.5 of this order; and (4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in damage to the national security and the original classification authority is able to identify or describe the damage.

(emphasis added)

Moreover, under Executive Order 12958, Part I, Section 1.1(b), “[i]nformation’ means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is *owned by, produced by or for, or is under the control of the United States Government.*” (emphasis added) *See also* Executive Order No. 12,356, *National Security Information*, Section 6.1(b)²⁰.

¹⁹ “[i]nformation’ means any information or material, regardless of its physical form or characteristics, *that is owned by, produced by or for, or is under the control of the United States Government.*” *Id.*

²⁰ “[i]nformation’ means any information or material, regardless of its physical form or characteristics, *that is owned by, produced by or for, or is under the control of the United States Government.*” *Id.*

And still further, in *Webb v. Fauci, supra*, on application for prejudgment relief, having exhausted all administrative remedies, under the *Freedom of Information Act (FOIA)*, 5 U.S.C. § 552(c)(i), that he was entitled, pursuant to 5 U.S.C. § 552(a)(4)(B), on complaint to “the district court of the United States in the district in which the complainant resides” to compel that Court “to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant”, so as to remedy a derogation of his rights to equal protection and due process, as well as a right to redress of grievances, substantive right, irreparably harmed, a matter in which, under a presumptive assertion of executive privilege, *see U.S. v. Nixon*, 418 U.S. 683 (1974)²¹, since March 23, 2021, when the White House had acknowledged receipt of a *FOIA* request to determine whether the secondary attack rate and/or infectious dose for COVID-19 was classified information, since it had appeared in treatment in the press and official reports, officially “unknown”, to be classified information.

Yet, effectively overruling the rule that “[i]t is emphatically the province and duty of the judicial department to say what the law is’, ” *Marbury v. Madison*, 1 Cranch 137 (1803)), on March 7, 2022, the Supreme Court, Justice Samuel Alito abstaining, determined that it was not within their supervisory authority or inclination to decide that question, deferring the disposition to the Fourth Circuit Court of Appeal. *See Webb v. Fauci*, Record No. 21-2394 (4th Cir. 2021), filed on appeal, without responsive reply, on December 16, 2021.

Hence, based upon all available evidence, beyond a reasonable doubt, the causative agent for COVID-19 is the property of the Government, had been cultivated in a laboratory, *but see also* Melissa Quinn, “Biden says he’s asked intelligence community to ‘redouble’ efforts in

²¹ “Absent a claim of need to protect military, diplomatic, or sensitive national security secrets, the confidentiality of Presidential communications is not significantly diminished by producing material for a criminal trial under the protected conditions of in camera inspection, and any absolute executive privilege under Art. II of the *Constitution* would plainly conflict with the function of the courts under the *Constitution*.”

examining origins of COVID-19,” *CBS News*, May 27, 2021²²; Katie Bo Lillis, “US Intelligence community releases full declassified report that does not determine origin of Covid-19,” *CNN*, October 29, 2021, and would conform to the character of a biological agent for purposes of charging under 18 U.S.C. § 175 and 18 U.S.C. § 2332b.

Infectiousness of COVID-19

According to world public health authorities, after a robust examination of 55,924 laboratory confirmed cases in China by 1,800 teams of at least five epidemiologists, they had concluded that “it is not clear whether this correlates with the presence of infectious virus.” *Report of the WHO-China Joint Mission on Coronavirus Disease 2019 (COVID-19)*, and, accordingly, there is no genuine issue of material fact that world public health authorities, after a robust, professional examination, did tender a clinical determination, almost a month before Respondent “Northam banned all gatherings that include more than 100 people to contend with the threat of the coronavirus”, Zachary Halaschak, & Jerry Dunleavy, “‘Take this seriously’: Virginia governor bans all gatherings above 100 people,” *supra*.

At that time, there was credible contravening authority to refute the existence of an infectious virus. *But see* Jeremy M. Lazarus, “Faces of leadership: Virginia Health Commissioner M. Norman Oliver is on front line of fight,” *Richmond Free Press*, March 26, 2020, updated March 27, 2020 (“On Feb. 7, a month before the first case of coronavirus was diagnosed in Virginia, Dr. Oliver declared the virus a public health threat”).

This determination regarding infectiousness was made based upon the clinically and empirically established fact, after undertaking immediately the “painstaking” but necessary task of conducting tracer contact follow up, “tracing tens of thousands of contacts a day”, only “[b]etween 1% and 5% of contacts were subsequently laboratory confirmed cases of

²² “President Biden said. . . he ha[d] ordered the U.S. intelligence community to ‘redouble’ its efforts to investigate the origins of COVID-19 after a new report fueled questions about whether the virus originated in a lab in Wuhan, China.” *Id.*

COVID-19, depending on location”, *Report of the WHO-China Joint Mission on Coronavirus Disease 2019 (COVID-19)*, a clinical measure of risk that is four times too low to validate the presence of a disease being transmitted from person-to-person, Julia Belluz, “China’s cases of Covid-19 are finally declining. A WHO expert explains why,” *Vox Media*, March 2, 2020, *updated* March 3, 2020, and 12 times too low to set off a super spreader event. Martin J. Blaser & Lee S. Newman, *A Review of Human Salmonellosis: I. Infective Dose*, *4 Reviews of Infectious Diseases* 6, pp. 1096–1106 (November 1982), <https://doi.org/10.1093/clinids/4.6.1096>.

This low secondary attack rate was revalidated in the largest sample size tracer contacts study, to date, involving over three million laboratory confirmed cases in India, which found only a secondary attack rate of 4.6%. Ramanan Laxminaraya, *Epidemiology and transmission dynamics of COVID-19 in two Indian states*, *Science* 370, pp. 691-697, (2020), and, in the most recent study, conducted by Johns Hopkins University, on reinfections. Furthermore, the largest sample size tracer contacts study to date, completed in October 2020 and examining over three million laboratory confirmed cases in India, found a secondary attack rate, again less than five percent, specifically 4.6%, while even the Johns Hopkins University study on COVID-19 reinfections within ten months had conceded that a 4.9% chance would be accurately described as “rare.” Sheehan, *et al.*, *Reinfection Rates among Patients who Previously Tested Positive for COVID-19: a Retrospective Cohort Study*, *Clin. Inf. Dis.*, March 15, 2021 (“The study included a large number of patients, which allowed them to make inferences around reinfection, a rare outcome.”)

As stated to the International Criminal Court in a recent complaint, filed on March 8, 2022, under Article 15, *Rome Statute*, after this revalidation of the secondary attack rate, it was reported in a leading business publication that “Trump’s positive Covid-19 diagnosis comes after the president had publicly downplayed the coronavirus for months, holding large,

in-person rallies and public events and refusing to wear a mask on most occasions while repeatedly encouraging the country to reopen and life to get back to normal”, Alison Durkee, “Trump, Infected With Covid-19, Still Falsely Compares Virus To Flu,” *Forbes*, October 6, 2020; *see also* Matthew S. Schwartz, “Trump’s Doctor Says There’s No ‘Actively Replicating Virus’ — So Is He COVID-19-Free?” *NPR*, October 11, 2020 ; *but see* S.V. Date, “Trump May Have Infected Gold Star Families, White House Staff, Others, Per His Former Chief,” *Huffington Post*, December 1, 2021, *updated* December 2, 2021; Neil Vigdor, “Nearly 900 Secret Service employees were infected with the virus, a watchdog group finds,” *New York Times*, June 23, 2021, and it is well established that, in accordance with 18 U.S.C. § 1751(a) “[w]hoever kills (1) any individual who is the President of the United States. . . shall be punished as provided by sections 1111 and 1112 of this title”, “[w]hoever attempts to kill. . . [the President] shall be punished by imprisonment for any term of years or for life” 18 U.S.C. § 1751(c), and “[i]f two or more persons conspire to kill. . . [the President] and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.” 18 U.S.C. § 1751(d).

In a celebration of the “DACA decision”, Respondent Northam had publicly indicated that he perfectly understood the ruling of the nation’s highest court, calling for two rounds of applause, Governor Ralph Northam, “I’ll be in Northern Virginia at 2:00 PM this afternoon to share the latest on COVID-19 in our Commonwealth. . .” *Facebook*, June 18, 2020, <https://www.facebook.com/watch/?v=266686721059875> (accessed June 20, 2020), and that decision had held that “[j]udicial review of agency action. . . is limited to ‘the grounds that the agency invoked when it took the action,’” *DHS v. Regents of the University of California*, 591 U.S. ____ (2020) (quoting from *Michigan v. EPA*, 576 U.S. 743 (2015)).

In traditional conceptions of criminal jurisprudence, presuming that an *actus reus* is established, the dispositive inquiry would turn to the *mens rea*, wherein some courts have considered for conviction thereupon a finding of sufficient motive, means and opportunity. *Bowen v. Maynard*, 799 F.2d 593 (10th Cir.1986) (“Additionally, there was no evidence that ‘Slick,’ unlike Crowe, had motive, opportunity, and ability to kill the bartender.”) And to establish the existence of a conspiracy, “[t]he Government may prove the defendant’s knowing participation in a conspiracy through circumstantial evidence, including: (1) the defendant’s association with conspirators in furtherance of the conspiracy; (2) his or her presence at ‘critical stages of the conspiracy that cannot be explained by happenstance’; (3) his or her ‘possession of items that are of essential significance to the conspiracy’; and (4) acts that show a consciousness of guilt, including false exculpatory statements.” *U.S. v. Climico*, No. S2 11 CR. 974-08 CM, 2014 WL 4230320, at *1–7 (S.D.N.Y. Aug. 7, 2014) (quoting *U.S. v. Anderson*, 747 F.3d 51, 60 (2d Cir.2014).

Upon the facts under review, there is credible reason to believe that the imposition of a civil money fine had been performed in retaliation against free speech, and, as stated in *U.S. v. Heard*, 709 F.3d 413 (5th Cir. 2013):

“[A] defendant is presumed to continue his involvement in a conspiracy unless he makes a substantial affirmative showing of ‘withdrawal, abandonment, or defeat of the conspiratorial purpose.’ ” [footnote omitted] In order to show withdrawal, “the defendant must show that he has committed affirmative acts inconsistent with the object of the conspiracy that are communicated in a manner reasonably calculated to reach conspirators.” [footnote omitted] Mere cessation of activity in furtherance of the conspiracy is not sufficient to show withdrawal. [footnote omitted]

WHEREFORE, for the reasons stated above, it would be proper for the Agency to rescind the civil money penalty, and, in equity, grant such other relief as deemed appropriate, in redress for violations of free speech.

Certification

I declare under penalty of perjury that the foregoing is true and correct.

Name of Party (Print or Type): Major Mike Webb, 955 S. Columbus Street, Unit # 426,
Arlington, Virginia 22204, GiveFaithATry@gmail.com, 856-220-1354.

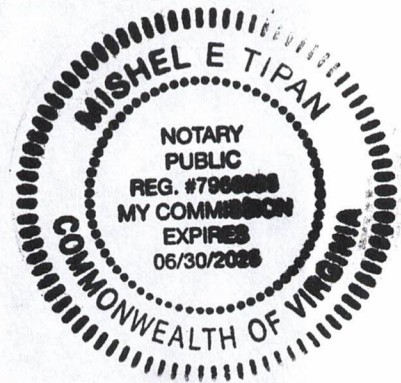
MJC
Signature of Party

Executed on: 4-25-22 (Date)

Subscribed, acknowledged and sworn to before me, the undersigned Notary Public in the
County of Arlington, in the Commonwealth of Virginia, this 25
25 day of April, 20 22.

[Signature]
NOTARY PUBLIC

My commission expires: 06/30/2025 Registration Number: 7966925



Exhibits

Exhibit A

VIRGINIA:

IN THE CIRCUIT COURT OF ARLINGTON COUNTY

MAJOR MIKE WEBB,
D/B/A FRIENDS OF MIKE WEBB,
and MAJOR MIKE WEBB FOR
CONGRESS
Plaintiff,

CL19-221-00

v.
THEO STAMOS,
and THE OFFICE OF THE
COMMONWEALTH ATTORNEY
Defendant.



FINAL ORDER DENYING PLAINTIFF'S PETITION FOR WRIT OF MANDAMUS AND PRE-FILING INJUNCTION AGAINST PLAINTIFF MAJOR MIKE WEBB

THIS MATTER came before the Court on the Plaintiff's Petition for Writ of Mandamus filed on January 23, 2019. In this order, the Court will consider whether to impose a pre-filing injunction against Plaintiff Major Mike Webb for engaging in a practice of vexatious litigation. For the past year, Plaintiff has filed numerous pleadings in this Court, all of which have been meritless. In the interest of preserving judicial resources and protecting unwitting defendants, the Court feels compelled to address Plaintiff's habitual filing of meritless claims.

UPON CONSIDERATION WHEREOF, the Court concludes that Plaintiff's Petition in this current matter, along with his petitions in previous cases, illustrate Plaintiff's lengthy history of filing vexatious and frivolous actions in this Court. Plaintiff has expended significant judicial resources in docketing, reviewing, hearing arguments, and disposing of Plaintiff's frivolous petitions.



IT APPEARS THAT, according to Virginia Code § 8.01-271.1, all pleadings must be "well grounded in fact and ... not interposed for improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." This good faith requirement puts a "high degree of accountability" on both attorneys and *pro se* litigants. See *Shipe v. Hunter*, 180 Va. 480, 484, 699 (2010).

IT FURTHER APPEARS that this Court has the authority of imposing a "leave of court" requirement on litigants, requiring them to obtain permission from this Court before filing cases or appeals. See *Switzer v. Switzer*, 273 Va. 326 (2007). The Virginia Supreme Court has previously applied this leave of court requirement to litigants who excessively burden a Court's judicial resources with vexatious and frivolous litigation. See *Adkins v. CP/IPERS Arlington Hotel LLC*, 293 Va. 446 (2017).

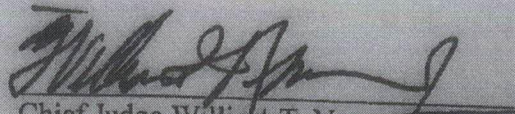
ORDERED, ADJUDGED, and DECREED that Plaintiff's Petition for Writ of Mandamus is denied and, in order to prevent Plaintiff from continuously filing frivolous petitions in this Court, it is necessary to impose a pre-filing injunction against Plaintiff Major Mike Webb in this Court.

IT IS FURTHER ORDERED that Major Mike Webb is prohibited from filing any petition, motion, pleading, or other filing in this case, or any other pending or future matters with this Court, without (1) obtaining the services of a practicing Virginia attorney, whose filing would be subject to Virginia Code § 8.01-271.1, or (2) obtaining express authority from the Chief Judge of this Court to file any *pro se* pleading.

IT IS ORDERED that the Clerk of the Court is directed to send a copy of this Order to the parties.

IT IS SO ORDERED.

ENTERED THIS 15th DAY OF Feb., 2019.


Chief Judge William T. Newman, Jr.
Circuit Court of Arlington County

natures are dispensed with pursuant to Va. Sup. Ct. Rule 1:13.



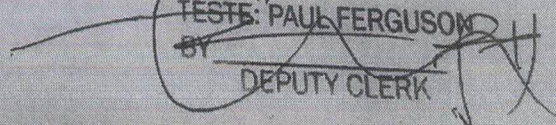
A COPY,
TESTE: PAUL FERGUSON
BY 
DEPUTY CLERK

Exhibit B

Blankingship
Keith^{pc}

4020 University Drive, Suite 300 • Fairfax, Virginia 22030
Telephone 703.691.1235 • Fax 703.691.3913
www.kblawva.com • F.E.I. 54-1646801

Arlington County Public Schools
Attn: Leslie Peterson
Finance and Management Services
2110 Washington Blvd
Arlington, VA 22204

September 27, 2018
Invoice # 154549

INVOICE SUMMARY

For professional services rendered and costs advanced through August 31, 2018:

Client Matter: 5385.107

RE: Mike Webb

Professional Services	\$ 3,012.50
Total Costs Advanced	<u>\$ 145.01</u>
TOTAL THIS INVOICE	\$ 3,157.51



Exhibit F

IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

MAJOR MIKE WEBB, A/K/A MICHAEL)
D. WEBB, D/B/A MAJOR MIKE WEBB)
FOR CONGRESS/FRIENDS FOR MIKE)
WEBB)

Petitioner)

v.)

Case No. CL20001624

RALPH S. NORTHAM, in Individual and)
Official Capacity, M. NORMAN OLIVER,)
in His Official Capacity, VIRGINIA)
DEPARTMENT OF HEALTH, JUSTIN M.)
WILSON, in His Official Capacity, CITY)
OF ALEXANDRIA, and ROBERT H.)
BRINK, in His Official Capacity,)
DEPARTMENT OF ELECTIONS and)
JOHN AND JANE DOES)

Respondents)

**AFFIDAVIT IN SUPPORT OF INFORMATION RE: EVASION OF SUMMONS AND
CONSPIRACY TO VIOLATE CIVIL RIGHTS**

1. This day, the undersigned, Michael D. Webb, Affiant, hereinafter referred to as "Webb," personally appeared before me, the undersigned Notary Public in my jurisdiction below, and, being duly sworn, stated:

Relevant Statutory Provisions

Judicial Immunity

2. Under *Prichard v. United State of Am.*, 339 U.S. 974, 70 S. Ct. 1029, 94 L. Ed. 1380 (1950)

Whether we conceive the function of the judge in organizing and instructing a grand jury to be judicial or administrative is immaterial. In either capacity, knowledge of law violation may not be reposed in him under the cloak of privilege.

An Information

3. Pursuant to Va. Code §15.2-1627(B),

The attorney for the Commonwealth and assistant attorney for the Commonwealth shall be a part of the department of law enforcement of the county or city in which he is elected or appointed, and shall have the duties and powers imposed upon him by general

VIRGINIA:

IN THE
CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

IN RE: MIKE WEBB,
Petitioner

DOCKET NO.

CL2101829

— v. —

RALPH S. NORTHAM,
Defendant.

DEMURRER

COME NOW the undersigned respondent *pro se* and for his Demurrer to the Petition for a Writ of Mandamus, states as follows:

I. Waiver of Personal Service

The respondent hereby accepts personal service of this matter and waives any objection to the matter proceeding to adjudication on a claim of a lack of personal service.

II. Introduction

The petitioner has filed a lawsuit which, to a large extent, remains inscrutable. While the respondent is not named in the style of the case, it appears the petitioner seeks to compel the respondent, in his official capacity as the Commonwealth's Attorney for the City of Alexandria, to arrest the Sheriff.

III. Argument

The petitioner has failed to plead allegations sufficient to constitute any cause of action against the respondent and the petitioner prays his demurrer be granted. A demurrer tests the legal sufficiency of a pleading and should be sustained if the pleading fails to state a valid cause of action. *See Glazebrook v. Board of Supervisors*, 266 Va. 550 (2003).

While it is difficult to discern the exact nature of the petitioner's argument, it

Exhibit H**The Republic Can**

2/24/22

To: rad@fec.gov & 2 more... >

**Re: URGENT: FEC
Administrative Fine Program
Notification – Respond
Immediately**

Appeal Webb v FEC.pdf

Hello.

Thank you so much for your notice regarding the final determination of the FEC, but it appears that you may or may not be aware that, on January 26, 2021, the U.S. District Court for the Eastern District of Virginia, Judge Mary Hannah Lauck presiding, entered on the docket the matter of Webb v. FEC, Civ. No. 3:2022cv00047, an appeal of an agency decision regarding the final determination letter, dated December 27, 2021, and a copy of the petition and certificate of service are attached; however, as of this date, the Application to Proceed in Forma Pauperis remain pending at the District Court, for unknown reasons.



Webb v. Federal Elections Commission (FEC)

Petitioner:

Major Mike Webb doing business as Friends for Mike Webb (C00591537) also known as Major Mike Webb for Congress (H8VA08167) and Major Mike Webb for Congress (H

Respondent:

Federal Elections Commission (FEC)

Case Number:

3:2022cv00047

Filed:

January 26, 2022

Court:

US District Court for the Eastern District of Virginia

Presiding Judge:

M Hannah Lauck

Nature of Suit:

Civil Rights: Other

Cause of Action:

42 U.S.C. § 1983 Civil Rights Act

Exhibit I**Contributor information**

Name	<u>THE VOICES OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES</u>
City and state	WASHINGTON, DC, 200011528
Year to date	\$3,000.00

Contribution information

Amount	\$1,000.00
Receipt date	September 30, 2019
Report year	2019
Memo	
Reported on	Form 3 on line 11C
Election type	PRIMARY

Recipient information

Committee	<u>FRIENDS OF DON BEYER</u>
Political party	DEMOCRATIC PARTY
Type	House
State	Virginia

Contributor information

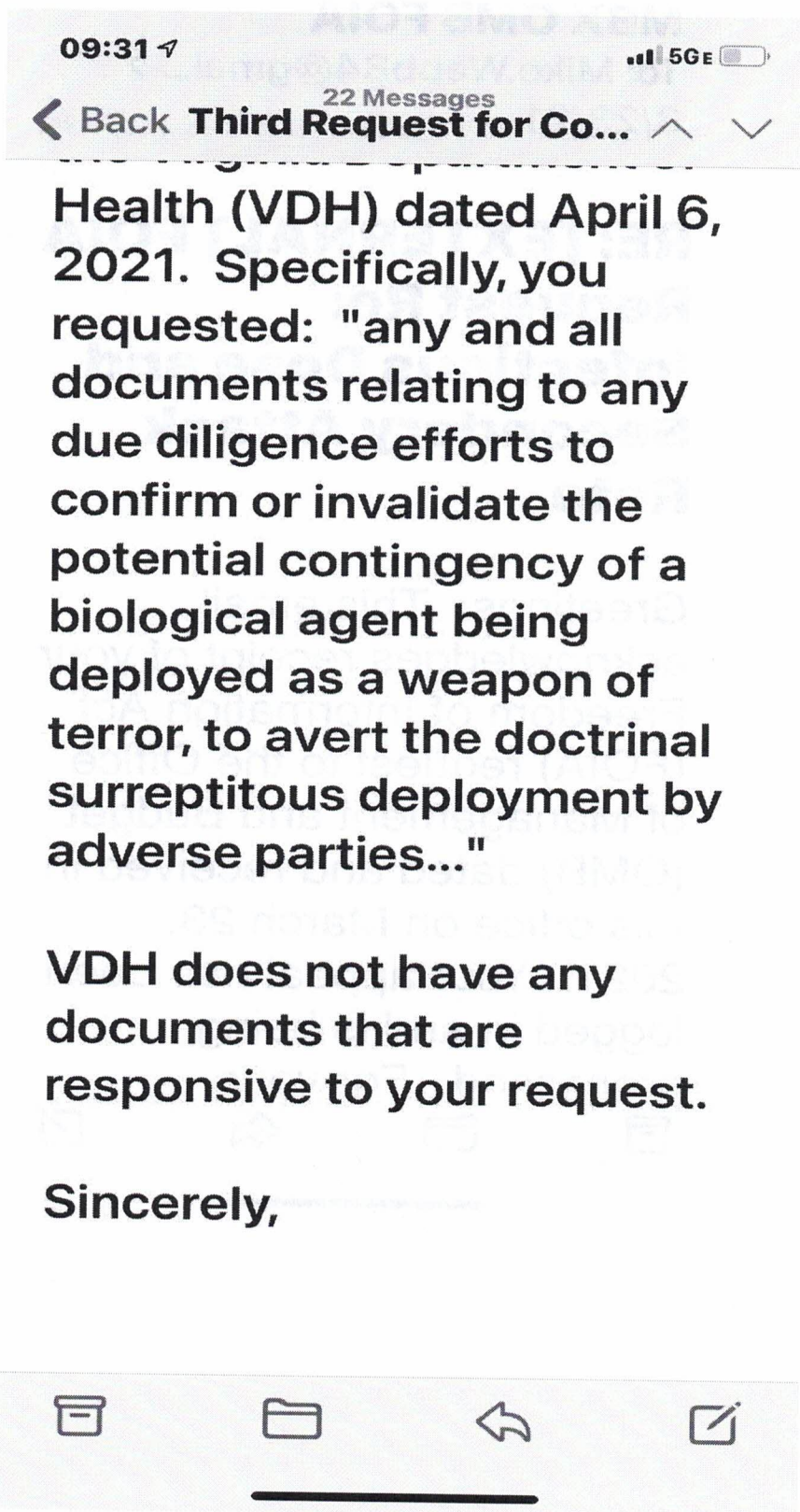
Name	<u>THE VOICES OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES</u>
City and state	WASHINGTON, DC, 200011528
Year to date	\$2,000.00

Contribution information

Amount	\$2,000.00
Receipt date	March 30, 2019
Report year	2019
Memo	
Reported on	Form 3 on line 11C
Election type	PRIMARY

Recipient information

Committee	<u>FRIENDS OF DON BEYER</u>
Political party	DEMOCRATIC PARTY
Type	House
State	Virginia

Exhibit J

19:06

5G E

 Inbox

16 Messages

 **MBX OMB FOIA**

To: Mike.Webb84@gmai... >

3/23/21 **RE: [EXTERNAL] FOIA
Request Re:
Infectious Dose and
Secondary Attack
Rate**

Greetings: This email acknowledges receipt of your Freedom of Information Act (FOIA) request to the Office of Management and Budget (OMB) dated and received in this office on March 23, 2021. Your appeal has been logged in and is being processed. For your





955 S Columbus Street, #426
Arlington, Virginia 22204
(802) 468-7589
GiveFaithATry@gmail.com

March 23, 2020

Dionne Hardy
White House FOIA Officer
The White House
725 17th Street NW, Suite 9204
Washington, DC 20503

Dennis C. Barghaan, Jr.
U.S. Attorney
Eastern District of Virginia
Alexandria Division
2100 Jamieson Avenue
Alexandria, VA 22314

RE: Request for Information Regarding Classification of a Novel Coronavirus

Dear Ms. Hardy:

Pursuant to the *Freedom of Information Act*, 5 U.S.C. § 552, we are presenting this request for release of documents pertaining to the classification of COVID-19, an infectious pathogen, for which, that, 607,234, 476,123 laboratory confirmed, 25,948 hospitalizations, 24,631 laboratory confirmed, and 10,137 fatalities, 8,497 laboratory confirmed in the Commonwealth of Virginia, CITE, where the nation's only physician serving as a state governor, CITE, has evaded the Sheriff for the City of Alexandria since April 2, 2020, *Webb v. Northam, et al.*, Case Number CL20001624 (Alexandria Cir. 2020), in contempt of court, Va. Code § 18.2-456(B); Va. Code § 16.1-264, and has evaded the United States Marshal since June 2, 2020. *Webb v. Northam*, Civil Action No. 3:20CV497 (E.D.Va. 2020), *on appeal Webb v. Northam, et al.*, Record Number 20-1968 (Fourth Cir. 2020), in violation of 18 U.S.C. § 1512(b)(2)(C), with impunity.

Statement of the Facts

According to national public health authorities, "COVID-19 spreads mainly from person to person through respiratory droplets", and they claim that "Studies show that masks reduce the spray of droplets when worn over the nose and mouth." Staff, "Guidance for Wearing Masks," CDC, February 18, 2021, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html> (accessed March 23, 2021). Moreover, as you may, or may not, be aware, "[i]n a statement, AstraZeneca said its COVID-19 vaccine had a 79% efficacy rate at preventing symptomatic COVID and was 100% effective in stopping severe disease and hospitalization." Maria Cheng & Luran Neergaard, "AstraZeneca: US data shows vaccine effective for all ages," *ABC News*, March 22, 2021. *But see* James Crump, "Three fully vaccinated Hawaii residents test positive for Covid," *Independent*, March 22, 2021. Further, "[t]here was a comparable response between the 100-µg and 250-µg dose groups, and both were greater compared



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 22, 2022

REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW (“OAR”)

AF# 4271 – Friends for Mike Webb and Mr. Major Mike Webb, in their official capacity as Treasurer (C00591537)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$18,081 civil money penalty.

Reason-to-Believe Background

The 2021 Year-End Report was due on January 31, 2022. The respondents have not yet filed the report. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On March 16, 2022, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2021 Year-End Report and made a preliminary determination that the civil money penalty was \$18,081 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was sent to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on March 18, 2022 to notify them of the Commission’s RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act (“Act”) states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On April 25, 2022, the Commission received the written response (“challenge”) from the Candidate who also serves as the Committee’s Treasurer. *See* Attachment 1. The Candidate contends there was a factual error in the RTB finding. Generally, the Candidate indicates he is not a federal candidate, and the Committee was not required to file the 2021 Year-End Report.

Analysis

The Candidate contends the Committee was not required to file the 2021 Year-End Report and suggests he is not a federal candidate. The Reviewing Officer confirms the Committee was required to file the 2021 Year-End Report. The Committee’s requirement to file the 2021 Year-End Report is not dependent on the Candidate’s current status as a federal candidate.

On November 6, 2015, the Candidate filed a Statement of Candidacy (“FEC Form 2”) for his participation in the 2016 Election for Virginia’s 8th Congressional District. The FEC Form 2 designated the subject Committee as the Candidate’s principal campaign committee for the 2016 Election. On the same day, the Committee filed a Statement of Organization (“FEC Form 1”) to register with the Commission as the Candidate’s principal campaign committee. The Candidate subsequently filed FEC Forms 2 for the same seat in the 2018 and 2020 Elections.¹ Further, the Committee filed reports to disclose financial activity during the 2016, 2018, and 2020 election cycles.

The Reviewing Officer recognizes that the Candidate has not filed an FEC Form 2 for the 2022 election cycle, and the campaign may have become inactive after the 2020 election cycle.² However, a committee’s filing obligation ends only when a committee files a termination report, and the Commission notifies them in writing that their termination report has been accepted. 11 C.F.R § 102.3.³ To date, the Committee has not filed a Termination Report.⁴ Therefore, the respondents were required to file the 2021 Year-End Report, and their factual error defense does not succeed.

At the time of the RTB finding, the Commission used an estimated level of activity (\$203,047) to calculate the penalty because the 2021 Year-End Report had not yet been filed. 11 C.F.R § 111.43(d)(2)(i). To date, the Committee has not yet filed the report. In order to calculate the civil money penalty using the actual level of activity disclosed on the 2021 Year-End Report, the Committee shall file the report prior to the Reviewing Officer’s Final Determination

¹ See Attachment 5.

² The Committee’s most recent report is the 2020 Year-End Report (10/1/20 – 12/31/20). Commission records indicate the Commission appropriately notified and reminded the Committee of its 2021 reporting requirements on multiple occasions. *See* Attachments 2, 3, and 4.

³ <https://www.fec.gov/help-candidates-and-committees/terminating-a-committee/>

⁴ Commission records indicate the Candidate should have been aware of the termination process.

Recommendation to the Commission and no later than July 22, 2022. The recommended civil money penalty in the Final Determination Recommendation will be calculated using the actual level of activity of the 2021 Year-End Report. 11 C.F.R § 111.43(d)(3)(i).

At the time of this Reviewing Officer Recommendation, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$18,081 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4271 involving Friends for Mike Webb and Mr. Major Mike Webb, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4271 that Friends for Mike Webb and Mr. Major Mike Webb, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$18,081 civil money penalty; and
3. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission (“Commission”). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Friends for Mike Webb:
 - A) Non-Filer Letter, dated February 15, 2022, referencing the 2021 Year-End Report (sent via electronic mail to: givefaithatry@gmail.com and mikewebb84@gmail.com);
 - B) Reason-to-Believe Letter, dated March 18, 2022, referencing the 2021 Year-End Report (sent via electronic mail to: givefaithatry@gmail.com and mikewebb84@gmail.com).
4. I hereby certify that I have searched the Commission’s public records and find that Friends for Mike Webb has not yet filed the 2021 Year-End Report with the Commission.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed on the 14th day of June, 2022.

Kristin D. Roser

Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

February 15, 2022

WEBB, MAJOR MIKE MR., TREASURER
FRIENDS FOR MIKE WEBB
1210 S GLEBE ROAD
40391
ALEXANDRIA, VA 22314

IDENTIFICATION NUMBER: C00591537

REFERENCE: YEAR-END REPORT (10/01/2021 - 12/31/2021)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note, the Federal Election Commission's office remains closed to visitors and most of its employees are continuing to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing campaign finance reports filed by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. As a result, paper filers may continue to receive non-filer letters. Nevertheless, filers should continue to file their reports on time. Reports sent by registered mail, overnight delivery, or certified mail, are considered filed with the FEC as of the date of the postmark. Reports submitted by first-class mail will be considered filed when actually received by Commission staff, subject to delays resulting from the agency's limited mail processing. The Commission will not be able to receive or process reports filed by courier service at this time. The FEC does not have statutory authority to extend filing deadlines, but it may choose not to pursue administrative fines against filers prevented from filing by reasonably unforeseen circumstances beyond their control. See 11 CFR 111.35. If you have already filed the report by express, certified or registered mail, please notify us immediately of the certified, registered or express tracking number and the date that the report was sent.

Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents

FRIENDS FOR MIKE WEBB

Page 2 of 2

submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report.

If you have any questions regarding this matter, please contact Jacqueline Gausepohl in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1277.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Chacona".

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission (“Commission”). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee of a candidate shall file a report for the period ending December 31 no later than January 31 of the following calendar year. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on January 31, 2022 for the 2021 Year-End Report to be timely filed.
- 3) I hereby certify that I have searched the Commission’s public records and find that Friends for Mike Webb has not filed the 2021 Year-End Report.
- 4) I hereby certify that I have searched the Commission’s public records and that the documents identified herein are the true and accurate copies of:
 - a) Statement of Organization (FEC Form 1) filed by Friends for Mike Webb on November 6, 2015.
 - b) Statement of Candidacy (FEC Form 2) filed by Michael David Webb on November 6, 2015.
 - c) Statement of Organization (FEC Form 1) filed by Friends for Mike Webb on February 20, 2016.
 - d) Statement of Candidacy (FEC Form 2) filed by Michael David Webb on February 20, 2016.
 - e) Statement of Organization (FEC Form 1) filed by Friends for Mike Webb on March 15, 2018.
 - f) Statement of Candidacy (FEC Form 2) filed by Major Mike Webb on March 15, 2018.
 - g) Statement of Organization (FEC Form 1) filed by Friends for Mike Webb on January 31, 2020.
 - h) Statement of Candidacy (FEC Form 2) filed by Mr. Major Mike Webb on January 31, 2020.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 22nd day of June, 2022.

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

FEC FORM 1

STATEMENT OF ORGANIZATION

RECEIVED
FEC MAIL CENTER
2015 NOV -6 AM 6:54
Office Use Only

1. NAME OF COMMITTEE (in full)

(Check if name is changed)

Example: If typing, type over the lines.

12FE4M5

FRIENDS FOR MIKE WEBB

ADDRESS (number and street)

P.O. Box 43125

(Check if address is changed)

Arlington

CITY ▲

VA

STATE ▲

22204

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed)

Information@MikeWebbforCongress2016.com

Optional Second E-Mail Address

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

www.MikeWebbforCongress2016.com

2. DATE

10

26

2015

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

NEW (N)

OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Michael D. Webb

Signature of Treasurer

Michael D. Webb

Date

10

26

2015

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. §30109. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 06/2012)

20151106 00011837

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate _____

Candidate Party Affiliation REP Office Sought: House Senate President State District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1.	_____	FEC ID number	<input type="checkbox"/> C _____
2.	_____	FEC ID number	<input type="checkbox"/> C _____
3.	_____	FEC ID number	<input type="checkbox"/> C _____
4.	_____	FEC ID number	<input type="checkbox"/> C _____

NOTES: THE ONLY COMMITTEE

Full Name of Designated Agent

[Empty grid for Full Name of Designated Agent]

Mailing Address

[Empty grid for Mailing Address]

[Empty grid for Mailing Address]

[Empty grid for Mailing Address]

CITY

STATE

ZIP CODE

Title or Position

[Empty grid for Title or Position]

Telephone number

[Empty grid for Telephone number]

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

[PNC Bank]

Mailing Address

8558 S Jefferson Street

[Empty grid for Mailing Address]

Falls Church VA 22041

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

[Empty grid for Name of Bank, Depository, etc.]

Mailing Address

[Empty grid for Mailing Address]

[Empty grid for Mailing Address]

[Empty grid for Mailing Address]

CITY

STATE

ZIP CODE

20110301 10:00 AM

FEC FORM 2 STATEMENT OF CANDIDACY

RECEIVED
FEC MAIL CENTER
2015 NOV -6 AM 6:54

1. (a) Name of Candidate (in full) Michael David Webb		
(b) Address (number and street) <input type="checkbox"/> Check if address changed 4600 S Four Mile Run Dr, Unit 1128		2. FEC Candidate Identification Number
(c) City, State, and ZIP Code Arlington, VA 22204		3. Is This Statement <input checked="" type="checkbox"/> New (N) OR <input type="checkbox"/> Amended (A)
4. Party Affiliation Republican	5. Office Sought U.S. Congress	6. State & District of Candidate Virginia's 8th Congressional District

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2016 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

Friends for Mike Webb

(a) Name of Committee (in full)

P.O. Box 43125

(b) Address (number and street)

Arlington, VA 22204

(c) City, State, and ZIP Code

DESIGNATION OF OTHER AUTHORIZED COMMITTEES (Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate <i>Michael D Webb</i>	Date 10/26/2015
---	---------------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 52 U.S.C. §30109.

--	--	--	--	--	--	--	--	--

2015 NOV -6 AM 10:18
RECEIVED
FEDERAL ELECTION
COMMISSION
PUBLIC DISCLOSURE
DIVISION

20151106 09:00 AM 10:18



"Campaign Email"
 <michaelwebbcongress2016@gmail.com>
 02/20/2016 07:28 AM

To <pubrec@fec.gov>,
 cc
 bcc
 Subject Amended Statement of Organization --ATTN: Carolina Mungeon

2 attachments



fecfrm1-signedamended.pdf



fecfrm2-signed.pdf

Hello, Ms. Mungeon.

Reviewing the documents on the portal, it has come to our attention that a letter was sent on November 26, 2015, indicating the following: "Your Statement of Organization (FEC Form 1) reports information about a Principal Campaign Committee; however, your filing fails to disclose information about the candidate in Section 5 of the form. Commission regulations require that the Statement of Organization disclose the name of the candidate, the office sought (including State and Congressional district, when applicable), and party affiliation of the candidate. (11 CFR § 102.2(a)(v)) Please amend your Statement of Organization to include the name of the candidate, State, and Congressional district."

Prior to viewing the "Filings" tab on the portal, we did not receive this notice. Accordingly, attached please find the amended FEC Form 1. Additionally, we are enclosing a copy of the FEC Form 2, which does not appear on the portal "Filings" tab.

Thanks so much.

Mike Webb
 Major, USA (Retired)
Leadership Makes the Real Difference



Phone: (802) HOT-RLTW

Twitter: 2016MikeWebbVA8; #VA8

20160220 07:28 AM 100100105

FEC FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1. NAME OF COMMITTEE (in full)

(Check if name is changed)

Example: If typing, type over the lines.

12FE4M5

FRIENDS FOR MIKE WEBB

ADDRESS (number and street)

P.O. BOX 43125

(Check if address is changed)

ARLINGTON

CITY ▲

VA

STATE ▲

22204-

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed)

Information@mikewebbforscongress2016.com

Optional Second E-Mail Address

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

www.mikewebbforscongress2016.com

2. DATE

02 / 15 / 2016

3. FEC IDENTIFICATION NUMBER ▶

C00591537

4. IS THIS STATEMENT

NEW (N)

OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Michael D. Webb

Signature of Treasurer

Michael D Webb

Date

02 / 15 / 2016

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. §30109. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only

For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100

FEC FORM 1 (Revised 06/2012)

20160615 10:00:00 AM

Write or Type Committee Name

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

[Empty grid lines for organization name]

Mailing Address

[Empty grid lines for mailing address]

CITY

STATE

ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name

Michael D. Webb

Mailing Address

4600 S. Four Mile Run Dr

Unit 1128

Arlington

VA

22204-3567

Title or Position

CITY

STATE

ZIP CODE

Candidate

Telephone number

856-220-1354

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer

Michael D. Webb

Mailing Address

4600 S. Four Mile Run Dr

Unit 1128

Arlington

VA

22204-3567

Title or Position

CITY

STATE

ZIP CODE

Treasurer

Telephone number

856-220-1354

20110308 10:00:00 AM



"Campaign Email"
 <michaelwebbcongress2016
 @gmail.com>
 02/20/2016 07:28 AM

To <pubrec@fec.gov>,
 cc
 bcc

Subject Amended Statement of Organization --ATTN: Carolina Mungeon

2 attachments



fecfrm1-signedamended.pdf fecfrm2-signed.pdf

Hello, Ms. Mungeon.

Reviewing the documents on the portal, it has come to our attention that a letter was sent on November 26, 2015, indicating the following: "Your Statement of Organization (FEC Form 1) reports information about a Principal Campaign Committee; however, your filing fails to disclose information about the candidate in Section 5 of the form. Commission regulations require that the Statement of Organization disclose the name of the candidate, the office sought (including State and Congressional district, when applicable), and party affiliation of the candidate. (11 CFR § 102.2(a)(v)) Please amend your Statement of Organization to include the name of the candidate, State, and Congressional district."

Prior to viewing the "Filings" tab on the portal, we did not receive this notice. Accordingly, attached please find the amended FEC Form 1. Additionally, we are enclosing a copy of the FEC Form 2, which does not appear on the portal "Filings" tab.

Thanks so much.

Mike Webb
 Major, USA (Retired)
Leadership Makes the Real Difference



Phone: (802) HOT-RLTW

Twitter: 2016MikeWebbVA8; #VA8

20160220 07:28 AM

Official WEBB site: www.mikewebbforcongress2016.com

Draft Petition Community Page: [Facebook \(MikeWebbVA8th\)](#)

Official Campaign Public Figure Page: [Facebook \(Mike Webb for Congress\)](#)

This message is paid for and authorized by Friends for Mike Webb.
To unsubscribe email information@mikewebbforcongress2016.com.

2016-08-11 10:00:00 AM

FEC FORM 2

STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) Michael David Webb			2. FEC Candidate Identification Number
(b) Address (number and street) 4600 S Four Mile Run Dr, Unit 1128		<input type="checkbox"/> Check if address changed	
(c) City, State, and ZIP Code Arlington, VA 22204		3. Is This Statement <input checked="" type="checkbox"/> New (N) OR <input type="checkbox"/> Amended (A)	
4. Party Affiliation Republican	5. Office Sought U.S. Congress	6. State & District of Candidate Virginia's 8th Congressional District	

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2016 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

Friends for Mike Webb
(a) Name of Committee (in full)

P.O. Box 43125
(b) Address (number and street)

Arlington, VA 22204
(c) City, State, and ZIP Code

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate <i>Michael D Webb</i>	Date 10/26/2015
---	---------------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 52 U.S.C. §30109.

--	--	--	--	--	--	--	--	--	--

2015 OCT 26 10:00 AM

FEC FORM 1

STATEMENT OF ORGANIZATION

RECEIVED
FEC MAIL CENTER
2018 MAR 16 AM 11:46

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

Major Mike Webb for U.S. Congress

ADDRESS (number and street) 111 Franklin Street

(Check if address is changed) Suite 314

Alexandria VA 22314
CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed) GiveFaithATry@gmail.com

Optional Second E-Mail Address
MikeWebb84@gmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed) www.MajorMikeWebb.info

2. DATE 03 / 15 / 2018

3. FEC IDENTIFICATION NUMBER C

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Major Mike Webb

Signature of Treasurer *Major Mike Webb* Date 03 / 15 / 2018

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. §30109. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only					For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100	FEC FORM 1 (Revised 06/2012)
-----------------	--	--	--	--	---	---------------------------------

2025 RELEASE UNDER E.O. 14176

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate Major Mike Webb

Candidate Party Affiliation IND Office Sought: House Senate President State VA District 08

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

(d) This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative

In addition, this committee is a Lobbyist/Registrant PAC.

- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

In addition, this committee is a Lobbyist/Registrant PAC.

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

- 1. _____ FEC ID number C
- 2. _____ FEC ID number C
- 3. _____ FEC ID number C
- 4. _____ FEC ID number C

NOTICE: ON: FOR: ON: 00-1000-101

Write or Type Committee Name

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

[Empty grid lines for organization name]

Mailing Address

[Empty grid lines for mailing address]

CITY

STATE

ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name

Major Mike Webb

Mailing Address

P.O. Box 43091

Arlington

VA

22204

Title or Position

CITY

STATE

ZIP CODE

Candidate

Telephone number

856

220

1354

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer

Major Mike Webb

Mailing Address

P.O. Box 43091

Arlington

VA

22204

Tr

Title or Position

CITY

STATE

ZIP CODE

Treasurer

Telephone number

856

220

1354

2010-10-10 10:01:00 AM 001000116

FEC FORM 2

STATEMENT OF CANDIDACY

RECEIVED
FEC MAIL CENTER

~~2018 MAR 16 AM 11:16~~

1. (a) Name of Candidate (in full) Major Mike Webb		2. FEC Candidate Identification Number
(b) Address (number and street) 111 Franklin Street		3. Is This Statement <input checked="" type="checkbox"/> New (N) OR <input type="checkbox"/> Amended (A)
(c) City, State, and ZIP Code Alexandria, VA 22314		
4. Party Affiliation Independent	5. Office Sought Congress	6. State & District of Candidate VA8

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2018 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) Major Mike Webb for U.S. Congress
(b) Address (number and street) 111 Franklin Street, Suite 314
(c) City, State, and ZIP Code Alexandria, VA 22314

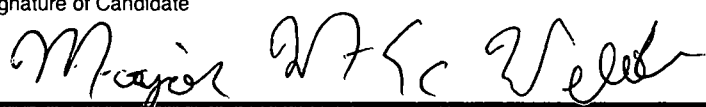
DESIGNATION OF OTHER AUTHORIZED COMMITTEES (Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)
(b) Address (number and street)
(c) City, State, and ZIP Code

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate 	Date March 15, 2018
---	------------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 52 U.S.C. §30109.

--	--	--	--	--	--	--	--

Optional Supplemental Page for Designation
of Additional Authorized Committees

FEC Form 2S (Revised 02/2017)

Page ___ of ___

DESIGNATION OF OTHER AUTHORIZED COMMITTEES
(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

NONPROFIT CORPORATION

FEC FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines.

12FE4M5

FRIENDS FOR MIKE WEBB

ADDRESS (number and street)

1210 S Gleber Rd

(Check if address is changed)

#40391

Arlington

VA

22204

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed)

GIVEFAITHATRY@GMAIL.COM

Optional Second E-Mail Address

MIKEWEBB84@GMAIL.COM

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

majormikewebbforcongress.org

2. DATE

01 / 31 / 2020

3. FEC IDENTIFICATION NUMBER

C C00591537

4. IS THIS STATEMENT

(Checked)

NEW (N)

OR

(Unchecked)

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Webb, Major, Mike, Mr.,

Signature of Treasurer

Webb, Major, Mike, Mr.,

[Electronically Filed]

Date

01 / 31 / 2020

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only

For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100

FEC FORM 1 (Revised 06/2012)

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate Webb, Major, Mike, Mr.,

Candidate Party Affiliation: REP DEM IND OTHER

Office Sought: House Senate President

State: AL AK AR AZ CA CO CT DC DE FL GA HI IA IL IN KS KY LA MA MD ME MI MN MO MS MT NC ND NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT VA VT WA WI WY

District: 01 02 03 04 05 06 07 08 09

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. _____ FEC ID number C _____
2. _____ FEC ID number C _____
3. _____ FEC ID number C _____
4. _____ FEC ID number C _____

Write or Type Committee Name

FRIENDS FOR MIKE WEBB

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Major Mike Webb for U.S. Congress

Mailing Address 1210 S Glebe Rd
 #40391
 Arlington VA 22201
 CITY STATE ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Webb, Major, Mike, Mr.,
 Mailing Address 1210 S Glebe Rd
 #40391
 Arlington VA 22204
 CITY STATE ZIP CODE
 Title or Position
 Treasurer Telephone number 856 220 1354

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Webb, Major, Mike, Mr.,
 Mailing Address 1210 S Glebe Rd
 #40391
 Arlington VA 22204
 CITY STATE ZIP CODE
 Title or Position
 Treasurer Telephone number 856 220 1354

Full Name of Designated Agent Webb, Major, Mike, Mr.,

Mailing Address 1210 S Glebe Rd
#40391
Arlington VA 22204
CITY STATE ZIP CODE

Title or Position Treasurer Telephone number 856 220 1354

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

PNC Bank

Mailing Address 2601 Clarendon Blvd
Arlington VA 22201
CITY STATE ZIP CODE

Name of Bank, Depository, etc.

John Marshal Bank

Mailing Address 2300 Wilson Blvd
Arlington VA 22201
CITY STATE ZIP CODE

Image# 202001319184588244

PAGE 1 / 2

FEC FORM 2

STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) Webb, Major, M ke, Mr.,		
(b) Address (number and street) 955 S Columbus Street #426		<input checked="" type="checkbox"/> Check if address changed
(c) City, State, and ZIP Code Arlington VA 22204		2. Candidate's FEC Identification Number H8VA08167
4. Party Affiliation REPUBLICAN PARTY		5. Office Sought House
		6. State & District of Candidate VA 08
3. Is This Statement <input checked="" type="checkbox"/> New (N) OR <input type="checkbox"/> Amended (A)		

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2020 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) FRIENDS FOR MIKE WEBB		
(b) Address (number and street) 111 FRANKLIN STREET SUITE 314		
(c) City, State, and ZIP Code ALEXANDRIA VA 22314		

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full) FRIENDS FOR MIKE WEBB		
(b) Address (number and street) 1210 S Glebe Rd #40391		
(c) City, State, and ZIP Code Arlington VA 22204		

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate Webb, Major, Mike, Mr., <i>[Electronically Filed]</i>	Date 01/31/2020
--	--------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.

--	--	--	--	--	--	--	--	--

Optional Supplemental Page for Designation
of Additional Authorized Committees

FEC Form 2S (Revised 02/2017)

DESIGNATION OF OTHER AUTHORIZED COMMITTEES
(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

Major Mike Webb for U.S. Congress

(b) Address (number and street)

1210 S Glebe Rd
#40391

(c) City, State, and ZIP Code

Arlington VA 22204

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy. **NOTE:** This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State, and ZIP Code



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 23, 2022

Mr. Major Mike Webb, in official capacity as Treasurer
Friends for Mike Webb
955 S Columbus St, #426
Arlington, VA 22204

C00591537
AF# 4271

Dear Mr. Webb:

On March 16, 2022, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Friends for Mike Webb and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2021 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$18,081 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a civil money penalty. A copy of the Reviewing Officer’s recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Please note, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and emailed to the Commission Secretary at secretary@fec.gov. The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted responses will be deemed received on the date it is electronically received by staff. Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer’s recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

May 23, 2023

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 4271 – Friends for Mike Webb and Mr. Major Mike Webb, in their official capacity as Treasurer (C00591537)

On March 16, 2022, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2021 Year-End Report and made a preliminary determination that the civil money penalty was \$18,081 based on the schedule of penalties at 11 C.F.R. § 111.43. On April 25, 2022, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated June 22, 2022 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference.

The Candidate contends the Committee was not required to file the 2021 Year-End Report and suggests he is not a federal candidate. The Reviewing Officer confirmed the Committee was required to file the 2021 Year-End Report and determined their factual error defense did not succeed. The Reviewing Officer explained that the Committee’s requirement to file the 2021 Year-End Report is not dependent on the Candidate’s current status as a federal candidate. Further, a committee’s filing obligation ends only when a committee files a termination report, and the Commission notifies them in writing that their termination report has been accepted. 11 C.F.R. § 102.3. The Reviewing Officer also explained that in order to recalculate the civil money penalty using the actual level of activity disclosed on the 2021 Year-End Report, the Committee shall file the report prior to the Reviewing Officer’s Final Determination Recommendation to the Commission and no later than July 22, 2022.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On April 13, 2023, the Committee filed a report covering the 2021 Year-End reporting period. The report discloses \$0 in total receipts and \$0 in total disbursements. For authorized committees, the level of activity is the amount of total receipts plus total disbursements disclosed on the report. 11 C.F.R § 111.43(d)(3)(i). Therefore, the actual level of activity for the 2021 Year-End Report is \$0. Using the schedule of penalties at 11 C.F.R § 111.43(a), no civil money penalty should be assessed for a level of activity of \$0.

The Reviewing Officer now recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$18,081).

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4271 involving Friends for Mike Webb and Mr. Major Mike Webb, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4271 that Friends for Mike Webb and Mr. Major Mike Webb, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$18,081); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4271
 Final Determination Recommendation –)
 Friends for Mike Webb and Mr. Major)
 Mike Webb, in their official capacity as)
 Treasurer (C00591537))

CERTIFICATION

I, Vicktoria J. Allen, recording secretary for the Federal Election Commission executive session on June 21, 2023, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in AF 4271:

1. Adopt the Reviewing Officer recommendation for AF# 4271 involving Friends for Mike Webb and Mr. Major Mike Webb, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 4271 that Friends for Mike Webb and Mr. Major Mike Webb, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$18,081).
3. Send the appropriate letter.

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

Attest:



Vicktoria J Allen

Digitally signed by Vicktoria J
Allen
Date: 2023.06.23 19:08:09 -04'00'

Vicktoria J. Allen
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 29, 2023

Mr. Major Mike Webb, in official capacity as Treasurer
Friends for Mike Webb
955 S Columbus St, #426
Arlington, VA 22204

C00591537
AF# 4271

Dear Mr. Major Mike Webb:

On March 16, 2022, the Federal Election Commission (the "Commission") found reason to believe ("RTB") that Friends for Mike Webb and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2021 Year-End. By letter dated March 18, 2022, the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$18,081 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 25, 2022, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Friends for Mike Webb and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty of \$18,081 because the report had not yet been filed. The Reviewing Officer also explained that in order to recalculate the civil money penalty using the actual level of activity disclosed on the 2021 Year-End Report, the Committee shall file the report prior to the Reviewing Officer's Final Determination Recommendation to the Commission. The Reviewing Officer Recommendation was sent to you on June 23, 2022.

On April 13, 2023, the Committee filed a report covering the 2021 Year-End reporting period. The Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Friends for Mike Webb and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the actual level of activity disclosed on the 2021 Year-End Report filed April 13, 2023 (\$0), assess no civil money penalty in accordance with 11 C.F.R. § 111.43.

On June 21, 2023, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Friends for Mike Webb and you, in your official capacity as

Treasurer, violated 52 U.S.C. § 30104(a), and based on the level of activity disclosed on the 2021 Year-End Report (\$0), assessed no civil money penalty (reduced from the RTB civil money penalty of \$18,081. It is based on the same factors used to calculate the civil money penalty at RTB except that the actual level of activity, rather than the estimated level of activity, was used. A copy of the Final Determination Recommendation is attached.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll-free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read 'Dara Lindenbaum', with a stylized flourish extending to the right.

Dara Lindenbaum
Chair