

## REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: January 10, 2024

ANALYST: Nataliya Ioffe

## I. COMMITTEE:

Marvin Abney for Congress  
C00839126  
Michael J. Tsandilas, Treasurer  
122 Touro Street  
Newport, RI 02840

## II. RELEVANT STATUTE:

52 U.S.C. § 30104(b)(2) and (4)  
52 U.S.C. § 30116(a) and (f)  
11 C.F.R. § 103.3  
11 C.F.R. § 102.5(b)  
11 C.F.R. § 110.1(b)(3)

## III. BACKGROUND:

**Excessive, Prohibited and Other Impermissible Contributions: Failure to Refund, Redesignate, or Reattribute Excessive and Prohibited Contributions within the Permissible Timeframe**

Marvin Abney for Congress (“the Committee”) received an excessive contribution of \$50,000.00, in the form of a loan, from an individual and apparent prohibited contributions totaling \$550.00 from unregistered organizations for the 2023 Special Primary Election. The Committee refunded all these contributions outside of the permissible timeframe.

**2023 July Quarterly Report**

During the [2023 July Quarterly](#) reporting period, April 1, 2023 through June 30 2023, the Committee received an excessive contribution of \$50,000.00 in the form of a loan from an individual and apparent prohibited contributions totaling \$550.00 from unregistered organizations that were not remedied within the permissible timeframe (Attachment 1).

On August 20, 2023, a [Request for Additional Information \(RFAI\)](#) was sent to the Committee referencing the 2023 July Quarterly Report.<sup>1</sup> The RFAI noted the Committee's receipt of apparent excessive and prohibited contributions and requested the Committee take corrective action concerning these contributions.

On September 25, 2023, the Committee filed an [FEC Form 99 \(Miscellaneous Electronic Submission\)](#) that stated,

"The Commission inquired about the \$50,000 loan received from John Brooks on May 1, 2023. At the time the Committee accepted the loan, the Committee was unaware that a personal loan would constitute a contribution, and therefore be subject to the federal contribution limits. Once this matter was brought to the Committee's attention, the Committee immediately refunded the loan with interest within 30 days of discovery of the loan's impermissibility, pursuant to 11 C.F.R. § 103.3.

The Committee has not been able to confirm [that the contributions from the]... two organizations listed in your request [were made using permissible funds], and thus the Committee will refund those contributions expeditiously."

On October 3, 2023, the Committee filed the [2023 October Quarterly Report](#) covering the period from July 1, 2023 to September 30, 2023. This report disclosed a repayment of the \$50,000.00 loan from an individual designated for the 2023 Special Primary Election and refunds of \$550.00 in 2023 Special Primary Election contributions from unregistered entities. All these remedies were made outside the permissible timeframes (Attachment 1).

Since July 19, 2023, RAD logged seven (7) communications with the Treasurer of the Committee which reflect efforts to help the Committee voluntarily comply with the Act. RAD was able to successfully connect with the Committee on six (6) occasions and discussed the referable matter of excessive and prohibited contributions with the Committee (Attachment 2). To date, no further communications have been received from the Committee regarding this matter.

Filings and correspondence related to the Committee can be found here: [Marvin Abney for Congress](#).

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<sup>1</sup> While the RFAI referenced the original [2023 July Quarterly Report](#), filed on July 11, 2023, the Committee filed an [Amended 2023 July Quarterly Report](#) on August 23, 2023. The amendment did not disclose any changes to the excessive and prohibited contributions in question.

**Marvin Abney for Congress (C00839126)**

Excessive and Prohibited Contributions Refunded Outside Permissible Timeframe, Listed by Contributor

Name	Date	Contribution Amount	Election	Excessive/Prohibited Amount Remedied Outside of Timeframe	Remedied # Days Since Receipt
<b>Contributions from Individuals</b>					
Brooks, John	5/1/2023	\$3,300.00	Special Primary 2023		
Brooks, John	5/1/2023	\$50,000.00	Special Primary 2023		
Brooks, John	8/1/2023	-\$50,000.00	Special Primary 2023	\$50,000.00	92
<b>Contributions from Unregistered Organizations</b>					
Rhode Island NAGE	5/26/2023	\$150.00	Special Primary 2023		
Rhode Island NAGE	9/22/2023	-\$150.00	Special Primary 2023	\$150.00	119
RI Brotherhood of Correctional Officers	5/26/2023	\$400.00	Special Primary 2023		
RI Brotherhood of Correctional Officers	9/22/2023	-\$400.00	Special Primary 2023	\$400.00	119
<b>Total Amount Remedied Outside Permissible Timeframes:</b>				<b>\$50,550.00</b>	

**Marvin Abney for Congress (C00839126)**

## Breakdown of Remedied Excessive and Prohibited Contributions

<b>Total Amount of Prohibited Receipts:</b>	<b>\$550.00</b>
<b>Total Amount of Excessive Receipts:</b>	<b>\$50,000.00</b>
<b>Total Excessive/Prohibited Amount Remedied Outside of the Permissible Timeframe :</b>	<b>\$50,550.00</b>
<b>Total Excessive/Prohibited Amount Unremedied:</b>	<b>\$0.00</b>
<b>Total Excessive/Prohibited Amount Referred:</b>	<b>\$50,550.00</b>