



250 Massachusetts Ave NW, Suite 400 | Washington, DC 20001

February 1, 2024

VIA EMAIL: CELA@FEC.GOV

Wanda D. Brown, Assistant General Counsel
Attn: Christal Dennis
Federal Election Commission
Office of Complaints Examination and Legal Administration
1050 First Street, NE
Washington, D.C. 20463

Re: RAD Referral 24L-03

Dear Ms. Brown:

We write as counsel to Marvin Abney for Congress (the “*Committee*”) and Michael Tsandilas in his official capacity as Treasurer (collectively, “*Respondents*”), in response to the Reports Analysis Division’s (“*RAD*”) Referral of the Committee to the Office of General Counsel (“*OGC*”), RAD Referral 24L-03 (the “*Referral*”).¹ As explained here, the Committee refunded the loan and the contributions at issue as expeditiously as possible given the circumstances, and thus, the Federal Election Commission (“*FEC*” or the “*Commission*”) should dismiss the Referral and take no further action.

FACTUAL BACKGROUND

On February 21, 2023, U.S. Representative David Cicilline announced that he would not complete his term in Congress and would resign as the representative of Rhode Island’s First Congressional District effective June 1, 2023. Representative Cicilline’s unexpected resignation triggered a special election to fill his seat.

On April 27, 2023, Mr. Abney designated the Committee as his principal campaign committee and filed his Statement of Candidacy to run in the special election.² Three days later, on April 30, 2023, the Committee accepted a loan of personal funds from John Brooks in the amount of \$50,000.³ The terms of the loan were set forth in a written loan agreement, which required repayment of the loan by September 29, 2023, and set an interest rate of 6.5% per year, a commercially reasonable interest rate.⁴ The Committee mistakenly accepted the loan because Respondents were unaware at

¹ The loan referenced in this Referral is also the subject of an FEC Complaint that was filed against Respondents in MUR 8151. Respondents thus incorporate by reference the Response they filed in MUR 8151, including the affidavits filed with the Response. The Response in MUR 8151 is attached as Exhibit A.

² Marvin Abney for Congress, FEC Form 1 (Apr. 27, 2023), <https://docquery.fec.gov/pdf/909/202304279581300909/202304279581300909.pdf>.

³ MUR 8151 Response, Tsandilas Aff. ¶ 3; MUR 8151 Response, Abney Aff. ¶ 5.

⁴ See MUR 8151 Response, Tsandilas Aff. Ex. A.

the time that loans to campaign committees are treated as contributions that are subject to the federal contribution limits.⁵ The Committee's treasurer has experience with accounting and finance but had never previously served as a treasurer for a campaign.⁶ Given Mr. Abney's short candidacy, the Committee did not have the opportunity to hire an experienced compliance firm.⁷

The Committee reported the \$50,000 loan from John Brooks on its July Quarterly Report.⁸ The Committee was first made aware that the loan from Mr. Brooks constituted a "contribution" to the Committee on or around July 15, 2023 when a local newspaper raised questions about it.⁹ Immediately thereafter, the Committee reviewed Commission regulations, consulted with an accountant who works with political campaigns, and learned that loans made to campaigns are treated as contributions that must comply with the contribution limits.¹⁰

The Committee then immediately took steps to reimburse the loan to Mr. Brooks. On July 31, 2023—just 16 days after questions were raised about the loan—Mr. Abney loaned \$50,541.67 of his personal funds to the Committee.¹¹ That amount included \$541.67 in interest that had accrued during the loan term.¹² The next day, on August 1, 2023, the Committee initiated a wire for \$50,541.67 to Mr. Brooks to repay the loan in full, including the accrued interest.¹³ Mr. Abney also publicly accepted "full responsibility" for the mistake.¹⁴ The payment from Mr. Abney to the Committee, and the Committee's refund to Mr. Brooks was reported on the Committee's October Quarterly report.¹⁵

On August 20, 2023, the Committee received a Request for Additional Information ("**RFAI**") from RAD inquiring about the permissibility of three contributions: \$1,000.00 from Friends of Joe Shekarchi; \$150.00 from Rhode Island NAGE; and \$400.00 from RI Brotherhood of Correctional Officers.¹⁶

⁵ *Id.* ¶ 4; MUR 8151 Response, Abney Aff. ¶ 6.

⁶ MUR 8151 Response, Tsandilas Aff. ¶ 2.

⁷ MUR 8151 Response, Abney Aff. ¶ 3.

⁸ Marvin Abney for Congress, July Quarterly Report (July 6, 2023) at 14, 22, <https://docquery.fec.gov/pdf/593/202307119582481593/202307119582481593.pdf>.

⁹ MUR 8151 Response, Tsandilas Aff. ¶ 6; MUR 8151 Response, Abney Aff. ¶ 7.

¹⁰ MUR 8151 Response, Tsandilas Aff. ¶ 6.

¹¹ MUR 8151 Response, Abney Aff. ¶ 9.

¹² *Id.*

¹³ MUR 8151 Response, Tsandilas Aff. ¶ 8; MUR 8151 Response, Abney Aff. ¶ 10.

¹⁴ MUR 8151 Response, Abney Aff. ¶ 11; Nancy Lavin, *Campaign Finance Violations Are Soaring. Here's Why That's Not a Bad Thing.*, R.I. CURRENT (Aug. 4, 2023, 5:05 P.M.), <https://rhodeislandcurrent.com/2023/08/04/campaign-finance-violations-are-soaring-heres-why-thats-not-a-bad-thing>.

¹⁵ Marvin Abney for Congress, October Quarterly Report (Oct. 3, 2023) at 5, 6, 9, <https://docquery.fec.gov/pdf/305/202310039597394305/202310039597394305.pdf>.

¹⁶ Marvin Abney for Congress, July Quarterly Report, Request for Additional Information (Aug. 20, 2023), <https://docquery.fec.gov/pdf/208/202308200300191208/202308200300191208.pdf>.

Upon receiving the RFAI, the Committee attempted to contact each contributor to confirm the funds used were federally permissible funds.¹⁷ Friends of Joe Shekarchi provided the Commission with a letter confirming those funds were federally permissible.¹⁸

The Committee repeatedly attempted to contact Rhode Island NAGE and RI Brotherhood of Correctional Officers by email and by phone but were unable to reach any individual who could confirm the funds contributed were federally permissible.¹⁹

With the RFAI response deadline approaching on September 25, 2023, the Committee decided that rather than continue trying to find a contact at Rhode Island NAGE and RI Brotherhood of Correctional Officers who would be able to speak with the Committee regarding the contributions, it would refund the contributions.

On September 22, 2023, the Committee refunded \$150.00 to Rhode Island NAGE and \$400.00 to RI Brotherhood of Correctional Officers.²⁰

On July 14, Mr. Abney did not qualify for the primary election ballot.²¹ Mr. Abney was thus a candidate for federal office for less than three months. The Committee currently holds debts and obligations in the amount of \$38,494.32, excluding the loan Mr. Abney provided to his campaign.²² The Committee intends to file a termination report with the Commission and close its operations after retiring its debts and following the conclusion of these matters.

LEGAL DISCUSSION

The Referral states that the Committee received an excessive contribution in the amount of \$50,000 in the form of a loan from an individual and received excessive contributions of \$550 from unregistered organizations. The Referral states that while both contributions were refunded, the refunds occurred outside of the permissible timeframe.

With respect to the \$50,000 loan from John Brooks, the Committee did not know at the time of receipt that the loan was impermissible. As explained above, the Committee refunded the loan within 16 days of learning that it constituted an impermissible contribution. The Committee's

¹⁷ See Marvin Abney for Congress, FEC Form 99 (Sept. 25, 2023), <https://docquery.fec.gov/cgi-bin/forms/C00839126/1726804>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Marvin Abney for Congress, October Quarterly Report (Oct. 3, 2023) at 10, <https://docquery.fec.gov/pdf/305/202310039597394305/202310039597394305.pdf>.

²¹ Rhode Island Dep't of State, Candidates for Representative in Congress District 1 – Unexpired Term, <https://vote.sos.ri.gov/Candidates/CandidateSearchSummary?OfficeType=1943&Election=18164>.

²² Marvin Abney for Congress, 2023 Year-End Report (Jan. 31, 2024) at 9, <https://docquery.fec.gov/pdf/489/202401319601101489/202401319601101489.pdf>.

refund of the loan within 16 days is consistent with the requirement to refund contributions within 30 days of discovering their impermissibility.²³

Likewise, with respect to the \$550 in total contributions received from Rhode Island NAGE and RI Brotherhood of Correctional Officers, the Committee acted promptly to confirm the legality of the contributions once it received the RFAI from RAD on August 20, 2023. The Committee made repeated attempts to contact Rhode Island NAGE and RI Brotherhood of Correctional Officers by email and by phone but were unable to reach any individual with knowledge to confirm the funds contributed were federally permissible. With the RFAI response deadline approaching on September 25, 2023, the Committee decided to refund the contributions. On September 22, 2023, the Committee refunded \$150.00 to Rhode Island NAGE and \$400.00 to RI Brotherhood of Correctional Officers. Respondents detailed this information in a Form 99 response to the RFAI on September 25, 2023, and then expeditiously refunded the two contributions at issue.²⁴

In addition to the above facts—which demonstrate that Respondents took swift action in good faith to correct the errors—Respondents urge the Commission to take into consideration the following factors that support taking no further action on the Referral:

- Mr. Abney, a retired U.S. Army Major, is a member of the Rhode Island House of Representatives and the House Finance Committee Chairman. He had never run for federal office previously.²⁵ His Committee treasurer was familiar with accounting rules but had never previously served as a treasurer for a federal campaign. Respondents were thus unaware of the specific loan restrictions that exist under federal campaign finance laws.
- Further, to remedy the mistake, Mr. Abney used his own personal funds—a financial hardship—to provide the Committee with the necessary funds to refund the loan.
- Immediately upon the retirement of the Committee’s debt and the conclusion of these enforcement matters, the Committee intends to file a termination report with the Commission and close its operations.

In sum, the Committee acknowledges its mistake in accepting a loan that exceeded the contribution limits. This was a good-faith mistake and was not an intentional violation of the law. Respondents accepted the loan because they were unaware that loans are treated as “contributions” under federal law. Respondents did not try to conceal their mistake; the loan was reported on the Committee’s July Quarterly Report along with the Committee’s other activity, including the contributions from Rhode Island NAGE and RI Brotherhood of Correctional Officers. There is no risk of any future violations by Respondents, as the Committee intends to terminate once these matters are resolved.

²³ See 11 C.F.R. § 103.3(b)(2) (requiring refunds of excessive contribution within 30 days of discovery).

²⁴ See Marvin Abney for Congress, FEC Form 99 (Sept. 25, 2023), <https://docquery.fec.gov/cgi-bin/forms/C00839126/1726804>.

²⁵ Marvin Abney for Congress, FEC Form 1 (Apr. 27, 2023), <https://docquery.fec.gov/pdf/909/202304279581300909/202304279581300909.pdf>.

CONCLUSION

For the reasons set forth herein, we respectfully request that the Commission exercise its prosecutorial discretion and take no further action on the Referral.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jonathan Peterson', is written over a horizontal line.

Aria Branch
Jonathan Peterson
Kaveri Sharma
Counsel to Respondents

EXHIBIT A



September 18, 2023

VIA ELECTRONIC MAIL

Wanda D. Brown, Assistant General Counsel
Attn.: Christal Dennis, Paralegal
Federal Election Commission
Office of Complaints Examination and Legal Administration
1050 First Street, NE
Washington, D.C. 20463
Email: cela@fec.gov

Re: Matter Under Review 8151 (Marvin Abney for Congress, *et al.*)

Dear Ms. Brown:

We write as counsel to Marvin Abney for Congress (the “***Committee***”) and Michael Tsandilas in his official capacity as Treasurer (collectively, “***Respondents***”) in response to the complaint filed by the Rhode Island Republican State Central Committee (“***Complainant***”) in MUR 8151 (the “***Complaint***”). Complainant alleges that the Committee accepted an excessive contribution in the form of a personal loan from John Brooks on May 1, 2023 in violation of the Federal Election Campaign Act, as amended (“***the Act***”) and the Commission’s regulations.¹

For the reasons set forth herein, the Commission should dismiss this matter and take no further action. The Committee mistakenly accepted the loan at issue just three days after Mr. Abney filed his Statement of Candidacy. Respondents were unaware that loans are treated as contributions under the Act. As soon as Respondents were made aware of the issue, they immediately took steps to resolve it by refunding the loan and the accrued interest.

FACTUAL BACKGROUND

On February 21, 2023, U.S. Representative David Cicilline announced that he would not complete his term in Congress and would resign as the representative of Rhode Island’s First Congressional District effective June 1, 2023. Representative Cicilline’s unexpected resignation triggered a special election to fill his seat. On March 29, 2023, the Governor of Rhode Island announced that the special primary election would be held on September 5, 2023. This meant that candidates would only have approximately five months to campaign prior to the primary election.

Mr. Abney, a member of the Rhode Island House of Representatives and the House Finance Committee Chairman, who had never run for federal office prior to this year, made the rushed decision to run in the special election for the Democratic nomination for U.S. House in Rhode

¹ Compl. at 1.

Island's First Congressional District.² Mr. Abney's decision to run was rushed because he had not anticipated that there would be an open seat in Rhode Island's congressional delegation this year.³ Also, he knew that if he did not declare his candidacy as early as possible, it would be very difficult for him to have a chance to compete in the crowded Democratic primary field. Moreover, Mr. Abney had to make the decision to run when he was very busy with his official work on the state budget as the House Finance Committee Chairman in the Rhode Island House of Representatives.⁴ Because of the rush to declare his candidacy, Mr. Abney did not have time to do the planning and preparation for a federal campaign that he ordinarily would have.

On April 27, 2023, Mr. Abney designated the Committee as his principal campaign committee and filed his Statement of Candidacy.⁵ Three days later, on April 30, 2023, the Committee accepted a loan of personal funds from John Brooks in the amount of \$50,000.⁶ The terms of the loan were set forth in a written loan agreement, which required repayment of the loan by September 29, 2023, and set an interest rate of 6.5% per year, a commercially reasonable interest rate.⁷ The Committee mistakenly accepted the loan because Respondents were unaware at the time that loans to campaign committees are treated as contributions that are subject to the federal contribution limits.⁸ The Committee's treasurer has experience with accounting and finance but had never previously served as a treasurer for a campaign.⁹ Given Mr. Abney's short candidacy, the Committee did not have the opportunity to hire an experienced compliance firm.¹⁰

The Committee reported the \$50,000 loan from John Brooks on its July Quarterly Report.¹¹ The Committee was first made aware that the loan from Mr. Brooks constituted a "contribution" to the Committee on or around July 15, 2023 when a local newspaper raised questions about it.¹² Immediately thereafter, the Committee reviewed Commission regulations, consulted with an accountant who works with political campaigns, and learned that loans made to campaigns are treated as contributions that must comply with the contribution limits.¹³

The Committee then immediately took steps to reimburse the loan to Mr. Brooks. On July 31, 2023—just 16 days after questions were raised about the loan—Mr. Abney loaned \$50,541.67 of his personal funds to the Committee.¹⁴ That amount included \$541.67 in interest that had accrued

² Marvin Abney for Congress, FEC Form 1 (Apr. 27, 2023), <https://docquery.fec.gov/pdf/909/202304279581300909/202304279581300909.pdf>.

³ Abney Aff. ¶ 3.

⁴ *Id.*

⁵ *Id.* ¶ 2.

⁶ Tsandilas Aff. ¶ 3; Abney Aff. ¶ 5.

⁷ *See* Tsandilas Aff. Ex. A.

⁸ *Id.* ¶ 4; Abney Aff. ¶ 6.

⁹ Tsandilas Aff. ¶ 2.

¹⁰ Abney Aff. ¶ 3.

¹¹ Marvin Abney for Congress, July Quarterly Report (July 6, 2023) at 14, 22, <https://docquery.fec.gov/pdf/593/202307119582481593/202307119582481593.pdf>.

¹² Tsandilas Aff. ¶ 6; Abney Aff. ¶ 7.

¹³ Tsandilas Aff. ¶ 6.

¹⁴ Abney Aff. ¶ 9.

during the loan term.¹⁵ The next day, on August 1, 2023, the Committee initiated a wire for \$50,541.67 to Mr. Brooks to repay the loan in full, including the accrued interest.¹⁶ Mr. Abney also publicly accepted “full responsibility” for the mistake.¹⁷ The payment from Mr. Abney to the Committee, and the Committee’s refund to Mr. Brooks will be reported on the Committee’s October Quarterly Report.¹⁸

On July 14, Mr. Abney did not qualify for the primary election ballot.¹⁹ Mr. Abney was thus a candidate for federal office for less than three months.

LEGAL DISCUSSION

The Commission should exercise its prosecutorial discretion to dismiss this matter. While the Committee acknowledges that it mistakenly accepted a loan that exceeded the contribution limits, the Committee refunded the loan within 16 days of learning of the issue.

In so doing, the Committee complied as best it could under the circumstances with the processes set forth in Commission regulations for handling excessive contributions. In particular, under 11 C.F.R. § 103.3(b)(3), if a contribution that is excessive on its face cannot be reattributed or redesignated, it should be refunded within 60 days of receipt. Here, the Committee did not know upon receipt that the loan from Mr. Brooks was excessive. But once the Committee learned the loan was excessive, it refunded it approximately 16 days later. Such action is consistent with the requirement to refund contributions within 30 days of discovering their impermissibility.²⁰

In addition, under Commission regulations, a bank loan is not considered a “contribution” if, among other things, the loan is evidenced by a written instrument and it bears the usual and customary interest for the category of loan involved.²¹ Those two requirements were satisfied here. Because the loan accrued interest and the Committee refunded Mr. Brooks for the loan amount and the accrued interest, the Committee did not receive any excessive benefits from the loan.

The Committee acknowledges its mistake in accepting a loan that exceeded the contribution limits. This was a good-faith mistake and was not an intentional violation of the law. Respondents accepted the loan because they were unaware that loans are treated as “contributions.” Respondents did not try to conceal their mistake; the loan was reported on the Committee’s July

¹⁵ *Id.*

¹⁶ Tsandilas Aff. ¶ 8; Abney Aff. ¶ 10.

¹⁷ Abney Aff. ¶ 11; Nancy Lavin, *Campaign Finance Violations Are Soaring. Here’s Why That’s Not a Bad Thing.*, R.I. CURRENT (Aug. 4, 2023, 5:05 P.M.), <https://rhodeislandcurrent.com/2023/08/04/campaign-finance-violations-are-soaring-heres-why-thats-not-a-bad-thing>.

¹⁸ Tsandilas Aff. ¶ 8.

¹⁹ Rhode Island Dep’t of State, Candidates for Representative in Congress District 1 – Unexpired Term (last accessed August 22, 2023),

<https://vote.sos.ri.gov/Candidates/CandidateSearchSummary?OfficeType=1943&Election=18164>. The Committee intends to file a termination report with the Commission and close its operations following the conclusion of this matter.

²⁰ See 11 C.F.R. § 103.3(b)(2) (requiring refunds of excessive contribution within 30 days of discovery).

²¹ *Id.* § 100.82(a).

Quarterly Report along with the Committee's other activity. Had Respondents known that the loan constituted an excessive contribution, they would not have accepted it.

Accordingly, as with other similar matters, the Commission should exercise its prosecutorial discretion to dismiss here.²² The Committee's acceptance of the excessive loan was a good faith mistake and was unintentional. Given that the issue was fully remedied very soon after discovery, and there was no concealment or even allegation of concealment, this matter is a textbook example of the type of matter the Commission should dismiss without further action.

CONCLUSION

For the reasons set forth herein, we respectfully request that the Commission dismiss the Complaint in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Aria C. Branch', is written over a horizontal line.

Aria C. Branch
Kaveri Sharma
Counsel to Respondents

²² See *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985); see also Fed. Election Comm'n MUR 7985 (Lee Watts for Congress); MUR 8013 (Schanbacher for Congress); MUR 8035 (Jim Banks for Congress, Inc.).

**BEFORE THE
FEDERAL ELECTION COMMISSION**

IN RE

Marvin Abney for Congress *et al.*

MUR 8151

AFFIDAVIT OF MICHAEL J. TSANDILAS

1. I am the treasurer of Marvin Abney for Congress (the "Committee").
2. I have experience in accounting and finance but had never served as a treasurer of a political campaign prior to my appointment as treasurer of the Committee.
3. On April 29, 2023, John Brooks offered to loan the Committee \$50,000. The terms of the loan were documented in a written loan agreement. The loan agreement is attached as Exhibit A to this affidavit.
4. I was not aware that a loan to the Committee would be treated as a contribution that must comply with the contribution limits. Had I known that, the Committee would not have accepted the loan.
5. The loan from Mr. Brooks was publicly reported on the Committee's July Quarterly Report, which I filed. When I filed the report, I was not aware that the loan was impermissible.
6. On July 15, 2023, a reporter called me and inquired about the loan. Shortly thereafter, I reviewed Commission regulations, consulted with an accountant who works with political campaigns, and learned that the loan constituted an excessive contribution.
7. I immediately told the candidate, Marvin Abney, that the loan from Mr. Brooks needed to be refunded. On July 31, 2023, Mr. Abney made a contribution to the Committee in the amount of the loan plus the interest that had accrued pursuant to the loan agreement.
8. On August 1, 2023, the Committee initiated a wire to refund the loan to Mr. Brooks. That refund will be reflected on the Committee's next quarterly report.
9. The Committee's acceptance of the loan from Mr. Brooks was based on a good faith mistake and a lack of understanding of the law. Any violation of the law was completely unintentional.
10. The loan has been fully refunded and Mr. Abney is no longer a candidate for federal office.

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

Michael J. Tsandilas

Michael J. Tsandilas

DATE: September 15, 2023

SUBSCRIBED AND SWORN to before me this 15th day of September 2023.

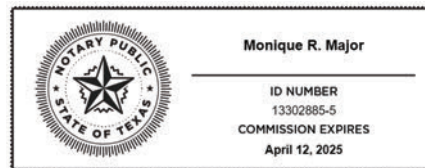
Monique R. Major

Notary Public, State of Texas

State of Texas
County of Harris

Notary Public

My Commission Expires: 04/12/2025



Notarized online using audio-video communication

EXHIBIT A TO AFFIDAVIT OF MICHAEL J. TSANDILAS

PROMISSORY NOTE

(this "Note")

Borrowers: Marvin Abney For Congress of 12 Summer Street, Newport, RI 02840
and Marvin L. Abney of 12 Summer Street, Newport, RI 02840
(collectively and individually the "Borrower")

Lender: John W. Brooks, Jr of 32 Division Street, Newport, RI 02840 (the
"Lender")

Principal Amount: \$50,000.00 USD

1. FOR VALUE RECEIVED, The Borrower promises to pay to the Lender at such address as may be provided in writing to the Borrower, the principal sum of \$50,000.00 USD, with interest payable on the unpaid principal at the rate of 6.50 percent per annum, calculated monthly not in advance, beginning on May 1, 2023.
2. This Note will be repaid in full on September 29th, 2023.
3. At any time while not in default under this Note, the Borrower may pay the outstanding balance then owing under this Note to the Lender without further bonus or penalty.
4. The Borrower shall be liable for all costs, expenses and expenditures incurred including, without limitation, the complete legal costs of the Lender incurred by enforcing this Note as a result of any default by the Borrower and such costs will be added to the principal then outstanding and shall be due and payable by the Borrower to the Lender immediately upon demand of the Lender.
5. Further, if the Lender declares the principal amount owing under this Note to be immediately due and payable, and the Borrower fails to provide full payment, interest at the rate of 8.00 percent per annum, calculated yearly not in advance, will be charged on the outstanding amount, commencing the day the principal amount is declared due and payable, until full payment is received by the Lender.



4/30/2023

6. If any term, covenant, condition or provision of this Note is held by a court of competent jurisdiction to be invalid, void or unenforceable, it is the parties' intent that such provision be reduced in scope by the court only to the extent deemed necessary by that court to render the provision reasonable and enforceable and the remainder of the provisions of this Note will in no way be affected, impaired or invalidated as a result.
7. This Note will be construed in accordance with and governed by the laws of the State of Rhode Island.
8. This Note will enure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of the Borrower and the Lender. The Borrower waives presentment for payment, notice of non-payment, protest and notice of protest.

IN WITNESS WHEREOF the parties have duly affixed their signatures under seal

SIGNED, SEALED, AND DELIVERED

this 30th day of April, 2023 in front of the person below who is over 18 years of age and not involved with the contents of this document or related to any of the parties in this document.

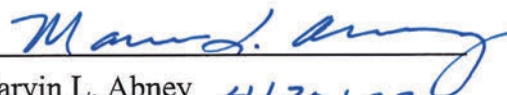

(signature of witness)

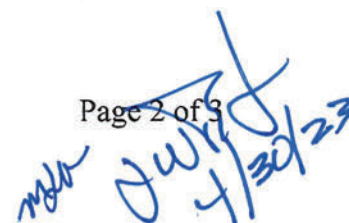
WITNESS DETAILS:

Name: Michael T. Sandilos
Address: 30 Key St. #6
Newport, RI 02840

Marvin Abney For Congress

Per: _____ (SEAL)


Marvin L. Abney 4/30/23


4/30/23

SIGNED, SEALED, AND DELIVERED

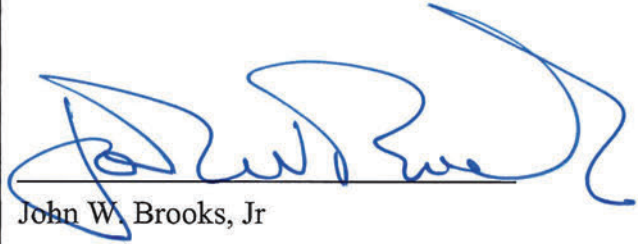
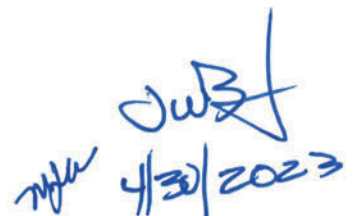
this 30th day of April, 2023 in front of the person
below who is over 18 years of age and not
involved with the contents of this document or
related to any of the parties in this document.



(signature of witness)

WITNESS DETAILS:

Name: Michael Tondillo
Address: 30 Kay St. #6
Newport, RI 02840


John W. Brooks, Jr
4/30/2023



**BEFORE THE
FEDERAL ELECTION COMMISSION**

IN RE

Marvin Abney for Congress, *et al.*

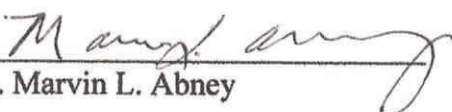
MUR 8151

AFFIDAVIT OF MARVIN L. ABNEY

1. I am a member of the Rhode Island House of Representatives. I am also the Chairman of the House Finance Committee. I was elected in November 2012 to represent District 73 in the Rhode Island House.
2. After learning that Representative Cicilline would resign from office and that a special election would be held, I filed my Statement of Candidacy to run for the Democratic nomination for U.S. House in Rhode Island's First Congressional District on April 27, 2023. Prior to this campaign, I had never run for federal office. The name of my principal campaign committee was Marvin Abney for Congress (the "Committee"). I appointed Michael Tsandilas as the Committee's treasurer.
3. My decision to run for Congress was time sensitive and sudden because I had not anticipated that there would be a vacant seat in the Rhode Island congressional delegation this year. In addition, I had to make the decision to run when I was very busy with my official work on the state budget as the House Finance Committee Chairman in the Rhode Island House of Representatives. The work on the state budget is very heavy in March and April, and the budget is finalized by the end of June. As a result, I did not have much time to plan for the campaign. Due to the rushed nature of the campaign, the Committee did not have the opportunity to hire an experienced compliance firm.
4. John Brooks is long term friend and supporter. I have known John Brooks since 2012.
5. On April 29, 2023, John Brooks offered to loan the Committee \$50,000 of his personal funds. John Brooks drafted a Promissory Note detailing the terms of the loan, which I signed on April 30, 2023. Under the terms of the Promissory Note, the loan would accrue interest at 6.5% annually, which is a commercially reasonable interest rate.
6. I was not aware that a loan to the Committee would be treated as a contribution that must comply with the contribution limits. Had I known this, the Committee would not have accepted a loan in excess of the contribution limits.

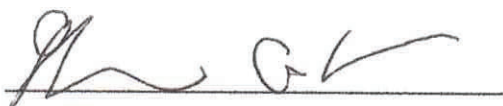
7. On or around July 15, 2023, Mr. Tsandilas told me that he received a call from a reporter inquiring about the loan.
8. On July 16, 2023, Mr. Tsandilas told me the Committee needed to refund the loan to John Brooks.
9. On July 31, 2023, I contributed \$50,541.67 to the Committee from my personal funds, which represented the loan amount and the interest that had accrued.
10. On August 1, 2023, the Committee initiated a wire to refund the loan to Mr. Brooks. I understand that this refund will be reflected on the Committee's next quarterly report.
11. Around August 4, 2023, I was interviewed by the *Rhode Island Current* concerning the loan and took full public responsibility for the mistake.
12. The Secretary of State's office determined that I did not submit the required number of signatures to qualify for the primary ballot. Accordingly, I was a candidate for federal office for less than three months.

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


Rep. Marvin L. Abney

DATE: September 18, 2023

SUBSCRIBED AND SWORN to before me this 18th day of September 2023.



Notary Public Christopher G. Hughes

My Commission Expires: 03/19/2026

