

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )  
4 ) MUR 7140  
5 Americans for Sensible Solutions PAC )  
6 and David Garrett in his official capacity )  
7 as treasurer and in his personal capacity )  
8

9 **SECOND GENERAL COUNSEL’S REPORT**

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11 **I. ACTIONS RECOMMENDED**

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13 We recommend that the Commission: (1) find reason to believe David Garrett violated  
14 52 U.S.C. § 30124(b)(1) in his personal capacity; (2) enter into pre-probable cause conciliation  
15 with Americans for Sensible Solutions PAC and David Garrett in his official capacity as treasurer  
16 and in his personal capacity; (3) approve the attached conciliation agreement and Factual and  
17 Legal Analysis; and (4) approve the appropriate letter.

18 **II. BACKGROUND**

19  
20 The Complaint in this matter, filed by Huizenga for Congress, alleges that during the  
21 2016 general election, Americans for Sensible Solutions PAC and David Garrett in his official  
22 capacity as treasurer (the “Committee”), an independent expenditure-only political committee  
23 (“IEOPC”), used a Twitter account to solicit funds for the Committee via PayPal Holdings, Inc.  
24 (“PayPal”) using congressional candidate Bill Huizenga’s name and likeness without his or his  
25 principal campaign committee, Huizenga for Congress’s, permission or authorization and sold  
26 unauthorized “Huizenga Trump 2016 Unity Gifts,” such as mugs, shirts, and buttons online in  
27 violation of the Federal Election Campaign Act of 1971, as amended (the “Act”). In addition,  
28 the Committee failed to file required disclosure reports despite repeated notices from the  
29 Commission.<sup>1</sup> Based on the available information, the Commission

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<sup>1</sup> See First Gen. Counsel’s Rpt. at 2-13 (May 10, 2017) (“FGCR”).

1 found reason to believe that the Committee violated 52 U.S.C. §§ 30124(b)(1) and 30104(a) and  
2 (b) by fraudulently misrepresenting that the Committee was acting for or on behalf of Huizenga  
3 when soliciting contributions through online media and by failing to report its receipts,  
4 disbursements, and cash-on-hand balance from 2016 to the present.<sup>2</sup> Pursuant to the  
5 Commission's findings, the Office of the General Counsel ("OGC") commenced an  
6 investigation to determine the full scope of the Committee's activities.<sup>3</sup> Given that the evidence  
7 indicated that Garrett was the principal individual involved in the formation of and control of  
8 the Committee, we notified him that he may have violated the Act's fraudulent  
9 misrepresentation provision in his personal capacity and provided him the opportunity to  
10 respond.<sup>4</sup> Garrett did not respond to the notification letter.

11 The results of our investigation are detailed below, along with our recommendations that  
12 the Commission find reason to believe Garrett violated the fraudulent misrepresentation  
13 provision in his personal capacity and authorize pre-probable cause conciliation with the  
14 Committee and Garrett in his personal capacity

### 15 **III. SUMMARY OF INVESTIGATION**

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17 The investigation confirmed that the Committee solicited contributions using the names  
18 and likenesses of federal candidates without their permission, thereby fraudulently  
19 misrepresenting that those individuals authorized and endorsed the Committee's online  
20 solicitation of funds through PayPal and its sale of merchandise through Zazzle.

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<sup>2</sup> See Amended Certification at 1 (Feb. 12, 2018) (finding reason to believe and authorizing the use of compulsory process); Certification at 1 (May 23, 2018) (approving the Committee Factual and Legal Analysis).

<sup>3</sup> See FGCR at 18.

<sup>4</sup> See Memorandum to the Commission, Intent to Name and Notify David Garrett as Additional Respondent (Feb. 27, 2020); see also Notification Letter from OGC to David Garrett (Mar. 25, 2020).

The Committee registered with the Commission on May 3, 2016, and identified David Garrett as its treasurer. Garrett formed the Committee in May 2016, and it accepted receipts and made disbursements until about January 2017. The Committee received approximately \$400 in online payments through PayPal Holdings, Inc. and Zazzle, none of which was expended in connection with a federal election. During this time, the Committee filed only one disclosure report, the 2016 July Quarterly Report, disclosing no receipts, disbursements, or cash-on-hand.<sup>5</sup> Despite repeated RFAIs from RAD notifying the Committee of its continuing obligation to file the required disclosure reports, the Committee has not filed any further reports with the Commission.<sup>6</sup>

To determine the scope of the Committee's activity, we obtained the Committee's financial documents from Wells Fargo Bank, the bank identified on the Committee's Statement of Organization, and PayPal, through which the Committee solicited donations.<sup>7</sup> We also interviewed Garrett, identified in the financial documents as the sole authorized individual, who confirmed the Committee's activity.<sup>8</sup>

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<sup>5</sup> See July 2016 Quarterly Rpt. (Aug. 8, 2016). The July 2016 Quarterly Report was handwritten, and submitted after the Committee received a Request for Additional Information ("RFAI") from the Commission's Reports Analysis Division ("RAD") based on the Committee's failure to file reports. See RFAI – Failure to File – July Quarterly (Aug. 2, 2016).

<sup>6</sup> See RFAI – Failure to File – October Quarterly (Oct. 31, 2016); RFAI – Failure to File – Post-General (Dec. 28, 2016); RFAI – Failure to File – Year-End Report (Feb. 16, 2017); RFAI – Failure to File – Mid-Year Report (Aug. 16, 2017); RFAI – Failure to File – Year-End Report (Feb. 20, 2018); RFAI – Failure to File – April Quarterly (May 1, 2018); RFAI – Failure to File – July Quarterly (Aug. 2, 2018); RFAI – Failure to File – October Quarterly (Nov. 2, 2018); RFAI – Failure to File – Post-General (Dec. 20, 2018); RFAI – Failure to File – Year-End Report (Feb. 19, 2019); RFAI – Failure to File – Mid-Year Report (Aug. 15, 2019).

<sup>7</sup> See Americans for Sensible Solutions PAC Statement of Organization at 4 (May 3, 2016); Subpoena to PayPal (July 16, 2018); Subpoena to Wells Fargo (July 16, 2018).

<sup>8</sup> See David Garrett, Report of Investigation (July 22, 2019) ("Garrett ROI").

1 According to the financial documentation, on May 7, 2016, Garrett created the PayPal  
2 account in the name of Americans for Sensible Solutions PAC as a business account with the  
3 email address info@americansforsensiblesolutions.org and web address  
4 <http://www.americansforsensiblesolutions.org>.<sup>9</sup> Garrett is listed as the sole user of the account.<sup>10</sup>  
5 The PayPal account is linked to a Wells Fargo bank account in the name of Americans for  
6 Sensible Solutions PAC, opened by Garrett two days after the PayPal account.<sup>11</sup> Garrett is the  
7 only individual on the bank account signature cards and he is described as “key executive with  
8 control of the entity.”<sup>12</sup>

9 PayPal records show that Garrett accessed the PayPal account from May 6, 2016, through  
10 December 25, 2017, and that on February 20, 2018, he attempted to access the account again, but  
11 the log in failed.<sup>13</sup> Through the PayPal account, from August 30, 2016, through October 11,  
12 2016, the Committee received payments from four individuals, each in the amount of \$64 – the  
13 same amount that the Committee was soliciting in the name of federal candidates without their  
14 knowledge or authority.<sup>14</sup> In addition, the Committee received \$176.47 in earnings from Zazzle,  
15 the website the Committee used to sell unauthorized merchandise in the name of federal  
16 candidates.<sup>15</sup> The aggregate total of payments received equals \$432.47.

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<sup>9</sup> See PayPal Registration Information at 1.

<sup>10</sup> *Id.*

<sup>11</sup> See Wells Fargo Signature Cards at 1, 3 (Garrett also opened a debit card linked to the bank account.).

<sup>12</sup> See *id.*

<sup>13</sup> See PayPal Activity Log at 1.

<sup>14</sup> See PayPal Transaction Log, Payments Received at 1; see also Factual & Legal Analysis (Americans for Sensible Solutions PAC) at 4-6 (“F&LA”).

<sup>15</sup> See PayPal Transaction Log, Payments Received at 1; see also F&LA at 6-7, 10-12.

The Committee's bank records show little activity. Garrett opened the account with \$100 in cash,<sup>16</sup> and made payments in the total amount of \$77 to Media Temple, a web and cloud hosting provider, and \$9.99 to DropBox, a file hosting service.<sup>17</sup> Other than the initial deposit, there were no other deposits to the account. The remaining funds were deducted as bank fees.<sup>18</sup> The account closed September 27, 2016, with a zero balance.<sup>19</sup>

In his interview, Garrett described himself as an entrepreneur and executive and not a member of any political organization, and he stated his political experience was limited to running for the District of Columbia City Council in 1994 at the age of 23 and raising \$600 for his campaign.<sup>20</sup> Garrett explained that he and a "couple of friends," who he refused to name, organized the Committee as a "joke," and they invented the acronym "ASSPAC" to be "funny."<sup>21</sup> The idea to register a made-up organization with the Commission began when Garrett and his friends read a 2015 news article about a fifteen-year-old who registered a campaign committee with a funny name, which received enough press attention that it was mentioned on the satirical news program, *The Daily Show*, on the subject of how easy it was to form a committee.<sup>22</sup> Garrett stated that he and his friends were seeking the same type of attention when they formed the

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<sup>16</sup> See Wells Fargo Signature Cards at 1; See Wells Fargo Deposit on Account at 1. Garrett stated in his interview that he opened the bank account with a \$50 deposit. David Garrett, ROI at 1.

<sup>17</sup> See Wells Fargo May 2016 Bank Statement at 3, June Bank Statement at 2.

<sup>18</sup> See Wells Fargo July Bank Statement at 2; August Bank Statement at 2.

<sup>19</sup> See Wells Fargo September Bank Statement at 1.

<sup>20</sup> Garrett ROI at 1. According to the District of Columbia Board of Elections, Garrett ran as an independent candidate in the November 8, 1994, general election for At Large Member of the District of Columbia City Council, garnering 1% of the vote. See <https://dcboe.org/Elections/Election-Results-Archives/Election-Year-1994/November-8-General-Election>.

<sup>21</sup> Garrett ROI at 1.

<sup>22</sup> *Id.*

Committee, and Garrett claims that as “students of government and policy,” their main purpose was to prove how easy it was to spread misinformation on social media and to bring attention to the “problems” with federal election laws.<sup>23</sup> Garrett says that he has never reviewed FEC regulations, nor does he have any type of training in running a political committee.<sup>24</sup>

According to Garrett, five days after opening the Committee’s bank account with Wells Fargo in May 2016,<sup>25</sup> he established numerous accounts on Facebook, Twitter, Zazzle, Imgur, and Pinterest in the names of numerous federal candidates, as well as a PayPal account.<sup>26</sup> In determining which candidates to represent on the Committee’s various social media sites, Garrett Googled “purple states” to identify those which were closely divided between Republicans and Democrats, and then targeted congressional candidates from those states to try to make them disavow a relationship with then-candidate Donald J. Trump via the sale of materials bearing the name of the congressional candidate next to Trump’s.<sup>27</sup> For example, the @HuizengaTrump16 Twitter account, as described in detail in the Committee’s Factual and Legal Analysis, contains tweets from “Unity: Bill Huizenga@HuizengaTrump16” soliciting donations in the amount of \$64 to the Committee’s PayPal account.<sup>28</sup>

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Garrett stated that he opened the Wells Fargo account with a \$50 deposit (*see* Garrett ROI at 1), but bank records show the opening deposit amount was actually \$100. *See* Wells Fargo Deposit on Account at 1.

<sup>26</sup> Garrett ROI at 1; *see* F&LA at 4-14.

<sup>27</sup> Garrett ROI at 1-2; *see* F&LA at 10.

<sup>28</sup> F&LA at 4-5.

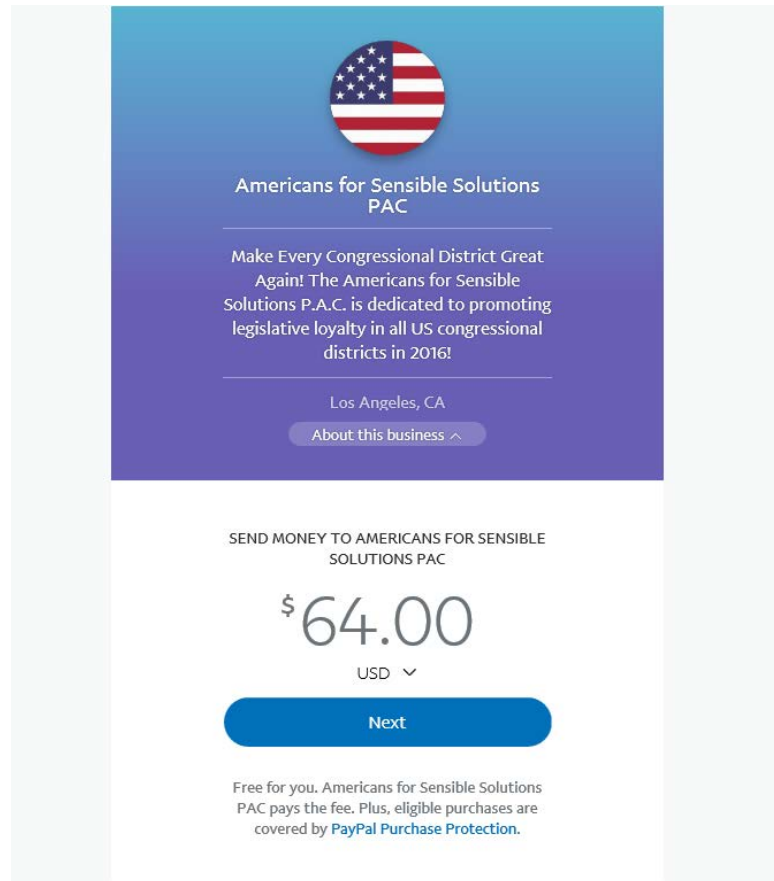


**UNITY: Bill Huizenga** @HuizengaTrump16 · Jul 16  
 Please donate \$64 to the Huizenga Trump Unity 2016 Campaign today!  
[paypal.me/americansforse...](https://paypal.me/americansforse...)



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2 The screenshot below depicts the Committee's PayPal account linked to its Twitter page:<sup>29</sup>



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<sup>29</sup>

*Id.*

1 The Zazzle page selling Huizenga Trump 2016 Unity merchandize is no longer  
 2 functioning.<sup>30</sup> However, images of the merchandise for sale on that page (*e.g.*, a hat, campaign  
 3 button, mug, shirt, sweatshirt, and keychain) appear on the Committee's @HuizengaTrump16  
 4 Twitter account, as well as in other social media accounts, such as Imgur and Pinterest:<sup>31</sup>



5  
 6 Garrett automated all of the social media sites using the “IFTTT” (“if this, then that”)  
 7 application, and set up “bots” that would “like,” “comment” and “re-tweet” on the sites in an  
 8 effort to keep them active.<sup>32</sup> Garrett and his friends did not otherwise monitor the sites, so Garrett  
 9 is not certain whether all the comments on the Twitter or Facebook pages were bots or if people  
 10 actually commented.<sup>33</sup>

<sup>30</sup> See F&LA at 6 (citing [http://www.zazzle.com/huizenga\\_trump\\_2016\\_unity\\_button-145054775072021025](http://www.zazzle.com/huizenga_trump_2016_unity_button-145054775072021025) (broken link)).

<sup>31</sup> See F&LA at 4-13.

<sup>32</sup> Garrett ROI at 2.

<sup>33</sup> *Id.*; see FGCR at 6 (referencing that “people” commented on the tweets generated by @HuizengaTrump16; however, the evidence now indicates that it is possible that the comments were automated, and not made by humans).



According to Garrett, the PayPal site received no donations — contrary to PayPal records which show the receipt of four \$64 contributions — and he said the significance of the suggested \$64 donation was to match the year of President Richard Nixon's first election [which Garrett mistakenly believed was 1964] or to refer to the 64th line in the U.S. Constitution, but he could not remember which.<sup>34</sup> He obtained the disclaimer information by cutting and pasting from a non-affiliated PAC website, and he added a disclaimer to all of the social media accounts, which he believed was sufficient to show that the Committee was not affiliated with any candidate.<sup>35</sup>

The disclaimer appearing on the Committee's Zazzle page is below:

This website is managed by the Americans for Sensible Solutions Political Action Committee along with The Republican Organization for Legislative Loyalty, and is intended to encourage unity between these two tremendous candidates and highlight the overwhelming similarity between their respective agendas and policy positions. By law, the Americans for Sensible Solutions P.A.C. may not collaborate, collude or coordinate with either the campaigns of either Adam Kinzinger or Donald Trump. Please support a unified Republican Party in the November Elections by donating to our Political Action Committee or purchasing Unity items below.<sup>36</sup>

According to Garrett, he received a cease-and-desist letter in August 2016 from a federal candidate, and he ceased all Committee operations.<sup>37</sup>

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<sup>34</sup> Garrett ROI at 2.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* Garrett stated in his interview that "the Republican Organization for Legislative Loyalty" mentioned in the disclaimer is not a real group and not registered anywhere. *Id.* He further stated that the acronym for the fictitious group, ROLL, is similar to "Troll," such as in "Russian troll farms," and that he thought it as "funny" or a "joke" to self-reference themselves as a troll committee. *Id.*; see also F&LA at 7-9, 12 (citing [https://www.zazzle.com/kinzinger\\_trump\\_2016\\_unity\\_sweatshirt-235489038152365133](https://www.zazzle.com/kinzinger_trump_2016_unity_sweatshirt-235489038152365133)).

<sup>37</sup> *Id.*; see F&LA at 12-13 (reported cease and desist letter to the Committee from Rep. Carlos Curbelo). We reached out to counsel for Rep. Curbelo requesting additional information including whether he received a response from Garrett. See Letter from OGC, to Charles Spies, Esq., Counsel (Aug. 7, 2019). Counsel did not respond to our letter or to follow-up emails or phone calls.

The PayPal and Wells Fargo records show that Garrett did not use any of the funds received to make independent expenditures or contributions to political committees. Rather, from October 7, 2016, through December 9, 2016, Garrett used \$304.93 of the funds received for expenditures at restaurants, a pharmacy, for parking, and to download media from Apple iTunes.<sup>38</sup> In addition, from September 2, 2016, through January 9, 2017, Garrett used the PayPal account to make payments in the aggregate amount of \$193.82 to Hootsuite, a social media management tool for businesses; RoundTeam, a Twitter content management platform; and DropBox.<sup>39</sup> The current status of the PayPal account is “locked,” which means it is prohibited from receiving or sending payments.<sup>40</sup>

#### IV. LEGAL ANALYSIS

The Act and Commission regulations prohibit persons from “fraudulently misrepresent[ing] the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations[.]”<sup>41</sup> Even absent an express misrepresentation, a representation is fraudulent if it was reasonably calculated to deceive persons of ordinary prudence and comprehension.<sup>42</sup> The Act requires that

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<sup>38</sup> See PayPal Transaction Log, PayPal Debit Card at 1.

<sup>39</sup> See PayPal Transaction Log, Payments Sent at 1.

<sup>40</sup> See PayPal Registration Information at 1; *see also* PayPal Records Guide at 6.

<sup>41</sup> 52 U.S.C. § 30124(b)(1); 11 C.F.R. § 110.16(b)(1).

<sup>42</sup> *FEC v. Novacek*, 739 F. Supp.2d 957, 961 (N.D. Tex. 2010); *see also United States v. Thomas*, 377 F.3d 232,242 (2d Cir. 2004) (citing, *inter alia*, *Silverman v. United States*, 213 F.2d 405 (5th Cir. 1954) (in a scheme devised with the intent to defraud, the fact that there is no misrepresentation of a single existing fact makes no difference in the fraudulent nature of the scheme)).

the violator have the intent to deceive, but does not require proof of the common law fraud elements of justifiable reliance and damages.<sup>43</sup>

### **A. The Committee's Liability**

The investigation has confirmed the Commission's reason-to-believe finding that the Committee violated 52 U.S.C. § 30124(b) by fraudulently misrepresenting that Huizenga and other federal candidates approved and endorsed an online solicitation for donations by the Committee and endorsed its sale of unauthorized merchandise containing the names and likenesses of federal candidates. The evidence shows that the federal candidates did not authorize the Committee's use of their names in its online solicitations.<sup>44</sup> Thus, the Committee fraudulently misrepresented that it was "speaking, writing, or otherwise acting for or on behalf of" the federal candidates identified by name and likeness in its online solicitations.<sup>45</sup> The Committee's lack of disbursement in support of Huizenga or any other federal candidate further demonstrates the Committee's fraudulent intent.<sup>46</sup>

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<sup>43</sup> See Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds, 67 Fed. Reg. 76,962, 76,969 (Dec. 13, 2002) (explanation and justification) (citing *Neder v. United States*, 527 U.S. 1, 24-25 (1999)).

<sup>44</sup> See note 37, above; MUR 7140 Compl. at 1 (filed by Huizinga for Congress, stating solicitation was unauthorized).

<sup>45</sup> See 52 U.S.C. § 30124(b)(1). In addition, as set forth in the First General Counsel's Report, by naming its Twitter account "@HuizengaTrump16," the Committee used the name of a candidate in a special project without showing opposition to that candidate, in apparent violation of the Act and Commission regulations. See FGCR at note 44; 52 U.S.C. § 30102(e)(4); 11 C.F.R. § 102.14(a); see also F&LA at note 36. Given ongoing litigation at the time, we did not make any recommendations as to the Committee's possible violation of 11 C.F.R. § 102.14(a). See *Pursuing America's Greatness v. FEC*, 831 F. Supp.3d 500 (D.D.C. Aug. 2, 2016). On March 21, 2019, the court issued an opinion holding that 11 C.F.R. § 102.14(a) is unconstitutional and enjoined the Commission from enforcing the regulation. See *Pursuing America's Greatness*, 363 F. Supp.3d 94 (D.D.C. 2019). Thus, we make no recommendations regarding 11 C.F.R. § 102.14(a).

<sup>46</sup> See F&LA at 15.

## 1           **B. David Garrett's Personal Liability**

2           The Commission may take action as to a treasurer in his personal capacity where, among  
 3 other instances, a treasurer violates a prohibition that applies generally to individuals. "In this  
 4 way, a treasurer would be treated no differently than any other individual who violates a provision  
 5 of the Act."<sup>47</sup> Thus, the Commission has pursued not only political committees or other entities  
 6 for violations of Section 30124(b), but also the individuals responsible for such committees or  
 7 entities.<sup>48</sup>

8           The evidence shows that Garrett is the principal individual connected to the Committee.  
 9 As the treasurer, he controlled its financial accounts, in particular, the PayPal account that was  
 10 directly linked to the Committee's online solicitations for \$64 donations that were represented to  
 11 be used to support federal candidates.<sup>49</sup> The information also shows that Garrett directed the  
 12 content, organization, and purpose of the online solicitations, which spread throughout numerous  
 13 social media platforms, and targeted as many as 33 House and Senate candidates in its activities.<sup>50</sup>

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<sup>47</sup> Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 5, note 7 (Jan. 3, 2005).

<sup>48</sup> See Factual & Legal Analysis, MUR 7011 and 7092 (HC4President, et al.) (reason-to-believe findings as to Kyle Prall as well as his committee) ); see also Factual & Legal Analysis, MUR 6531 (Obama-Biden 2012) (reason-to-believe finding as to president of non-profit, Miguel Figueroa, and committee); Factual & Legal Analysis, MUR 5472 (Jody Novacek) (reason-to-believe and probable cause findings as to Jody Novacek as well as her committee); MUR 5951 (Californians for Change) (reason-to-believe and probable cause to believe findings as to Emmett Cash III as well as his committee).

<sup>49</sup> PayPal Registration Information at 1; PayPal Transactions Log, Payments Received at 1; F&LA at 4-14.

<sup>50</sup> Garrett ROI at 1-2; F&LA at 4-14. Garrett's role as treasurer in this matter is distinguishable from that of Jason F. Emert in MUR 6893 (Winning the Senate PAC), who was named in his official capacity only. Certification at 2, MUR 6893 (May 24, 2018). Although Emert was actively involved in setting up the committee and trying to enlist federal officeholders to partner with Winning the Senate, he was not present and not aware of what was happening with the committee for much of the time period at issue. Second Gen. Counsel's Rpt. at 8-9, MUR 6893 (Winning the Senate PAC). In contrast, Garrett was the principal person involved in the Committee's organization and maintenance from inception until it became inactive. See also Certification at 1, MUR 5472 (Novacek) (Feb. 3, 2005) (finding reason-to-believe Novacek violated the fraudulent misrepresentation provision in her individual as well as official capacity as committee treasurer).

Garrett's stated motivations in organizing the Committee do not vitiate the violations. The Commission has considered cases in which a person making an otherwise prohibited or excessive solicitation claimed to be joking.<sup>51</sup> In MUR 6939 (Mike Huckabee, *et al.*), the Commission considered the context in which Mike Huckabee stated, "[i]f you want to give a million dollars, please do it" and determined that a reasonable person would not consider that statement to be an actual solicitation of funds where "he appeared to be making a humorous aside during the course of a speech."<sup>52</sup> This case, however, is readily distinguishable because an objective observer would have reasonably considered the Committee's statements to "Donate \$64 to the Trump Huizenga Unity 2016 Campaign today!" to be actual solicitations for contributions in support of Huizenga and the other federal candidates identified in its various social media platforms, and, in fact, the Committee raised approximately \$400 in response to its solicitations and sale of merchandise.<sup>53</sup> The Committee's full name, not the acronym that Garrett thought was "funny," is used on its communications.<sup>54</sup> Further, Garrett's stated purpose, to show how easy it is to spread misinformation about elections, was not a joke and is not apparent in its communications. By

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<sup>51</sup> The Commission's regulations define "to solicit" broadly as "to ask, request, or recommend, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value," and that the communication should be "construed as reasonably understood in the context in which it is made. . . ." 11 C.F.R. § 300.2(m). The Commission further explained that "words that would by their plain meaning normally be understood as a solicitation, may not be a solicitation when considered in context, such as when the words are used as part of a joke or parody." Definitions of "Solicit" and "Direct"; Final Rule; 71 Fed. Reg. 13,926, 13,929 (Mar. 20, 2006) (citing *Phantom Touring, Inc. v. Affiliated Publications*, 953 F.2d 724, 727 (1st Cir. 1992) (concluding that no reasonable listener would understand that a theater critic who wrote "[t]he producer who decided to charge admission for that show is committing highway robbery" was accusing the producer of the actual crime of robbery)).

<sup>52</sup> Factual & Legal Analysis at 2, 6-7, MUR 6939 (Mike Huckabee, *et al.*); Certification, MUR 6939 (Mike Huckabee, *et al.*) (dismissing the allegation that Huckabee violated 52 U.S.C. § 30125(e)(1)(A) or 11 C.F.R. § 300.61) (Apr. 28, 2016).

<sup>53</sup> F&LA at 14.

<sup>54</sup> *Id.* at 4-14.

1 registering the Committee with the Commission and filing a disclosure report, Garrett misled the  
2 public that it was a political committee making the solicitations for the benefit of, or at least  
3 endorsed by, the federal candidates identified in its communications. Accordingly, we  
4 recommend that the Commission find reason to believe that Garrett violated 52 U.S.C.  
5 § 30124(b)(1) in his personal capacity.

6 In sum, the investigation has determined the extent of the contributions raised by the  
7 Committee and its use of those funds. Although the Committee received little money in response  
8 to its fraudulent solicitations, the severity and breadth of the violations appear to justify pursuing  
9 the individual who created and controlled the Committee. At this point, we have sufficient  
10 evidence to proceed to pre-probable cause conciliation.<sup>55</sup>

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<sup>55</sup> See Second Gen. Counsel's Rpt., MURs 7011/7094 (HC4 President, *et al.*) (recommending no further action after investigation of section 30124 violation because the main actor, Kyle Prall, was criminally prosecuted and the committees had negative cash on hand balances) );

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**VI. RECOMMENDATIONS**

1. Find reason to believe that David Garrett violated 52 U.S.C. § 30124(b)(1) in his personal capacity;
2. Enter into conciliation with Americans for Sensible Solutions PAC and David Garrett in his official capacity as treasurer and his personal capacity prior to a finding of probable cause to believe;
3. Approve the attached conciliation agreement;
4. Approve the attached Factual and Legal Analysis for David Garrett; and

MUR 7140 (Americans for Sensible Solutions PAC)  
Second General Counsel's Report  
Page 16 of 16

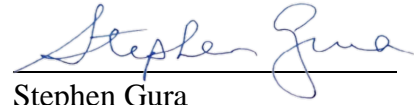


5. Approve the appropriate letter.

Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Acting Associate General Counsel  
for Enforcement

06.17.20

Date

  
Stephen Gura  
Deputy Associate General Counsel  
for Enforcement  
Mark Allen  
Assistant General Counsel  
Christine C. Gallagher  
Attorney

Attachments

1. Proposed Factual and Legal Analysis



**FEDERAL ELECTION COMMISSION****FACTUAL AND LEGAL ANALYSIS****RESPONDENT:** David Garrett**MUR: 7140****I. INTRODUCTION**

This matter was generated by a Complaint filed with the Federal Election Commission (the “Commission”) pursuant to 52 U.S.C. § 30109(a)(1). Based on the Complaint and available information, the Commission previously found, *inter alia*, reason to believe that Americans for Sensible Solutions PAC and David Garrett in his official capacity as treasurer (the “Committee”), an independent-expenditure-only political committee (“IEOPC”), violated 52 U.S.C. § 30124(b)(1) of the Federal Election Campaign Act of 1971, as amended (the “Act”), by fraudulently misrepresenting that it was acting on behalf of congressional candidate Bill Huizenga and his principal campaign committee, Huizenga for Congress, (“HFC”) to solicit contributions through a Twitter account named “@HuizengaTrump16” and by selling unauthorized “Huizenga Trump 2016 Unity Gifts” such as mugs, shirts, and buttons online.

As set forth below, the available information indicates that Garrett was the principal individual involved in the formation of and control of the Committee. Garrett was notified that he may have violated the Act’s fraudulent misrepresentation provision in his personal capacity and he was provided the opportunity to respond. Garrett did not respond to the notification letter. Under these circumstances, there is reason to believe that David Garrett violated 52 U.S.C. § 30124(b)(1) in his personal capacity.

## II. FACTUAL AND LEGAL ANALYSIS

### A. Legal Standard for Fraudulent Misrepresentation

The Act provides that no person shall fraudulently misrepresent themselves as speaking, writing, or otherwise acting for, or on behalf of, any candidate or agent thereof for the purpose of soliciting contributions or donations.<sup>1</sup> Further, the Act provides that no person shall willfully and knowingly participate in or conspire to participate in any plan or scheme to engage in such behavior.<sup>2</sup> Although the Act requires that the violator have the intent to deceive, it does not require proof of the common law fraud elements of justifiable reliance and damages.<sup>3</sup> Even absent an express misrepresentation, a representation is fraudulent “if it was reasonably calculated to deceive persons of ordinary prudence and comprehension.”<sup>4</sup>

### B. Factual Background

#### 1. Committee formation, registration, and financial information

The Committee registered with the Commission on May 3, 2016, and identified David Garrett as its treasurer. Garrett formed the Committee in May 2016, and it accepted receipts and made disbursements until about January 2017. The Committee received approximately \$400 in online payments through PayPal Holdings, Inc. (“PayPal”) and Zazzle, none of which was

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<sup>1</sup> 52 U.S.C. § 30124(b)(1); *see also* 11 C.F.R. § 110.16(b)(1).

<sup>2</sup> 52 U.S.C. § 30124(b)(2); *see also* 11 C.F.R. § 110.16(b)(2).

<sup>3</sup> *See FEC v. Novacek*, 739 F. Supp.2d 957,961 (N.D. Tex. 2010) (finding that defendants knowingly and willfully violated 2 U.S.C. § 441h(b) (now 52 U.S.C. § 30124(b)); Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds, 67 Fed. Reg. 76,962, 76,969 (Dec. 13, 2002) (explanation and justification) (citing *Neder v. United States*, 527 U.S. 1, 24-25 (1999)) (distinguishing fraud in federal campaign finance abuses from common law tort action on the basis of Congress intending to penalize schemes as well as actions taken to defraud and the damaging effect of misrepresentation); Factual & Legal Analysis at 4, MUR 5472 (Jody Novacek).

<sup>4</sup> *Novacek*, 739 F. Supp.2d at 961.

1 expended in connection with a federal election. During this time, the Committee filed only one  
2 disclosure report, the 2016 July Quarterly Report, disclosing no receipts, disbursements, or cash-  
3 on-hand. Despite repeated Requests for Additional Information (“RFAIs”) from the Reports  
4 Analysis Division (“RAD”) notifying the Committee of its continuing obligation to file the  
5 required disclosure reports, the Committee has not filed any further reports with the Commission.

6 According to the Committee’s financial documentation, on May 7, 2016, Garrett created  
7 the PayPal account in the name of Americans for Sensible Solutions PAC as a business account  
8 with the email address info@americansforsensiblesolutions.org and web address  
9 <http://www.americansforsensiblesolutions.org>. Garrett is listed as the sole user of the account.

10 The PayPal account is linked to a Wells Fargo bank account in the name of Americans for  
11 Sensible Solutions PAC, opened by Garrett two days after the PayPal account. Garrett is the only  
12 individual on the bank account signature cards and he is described as “key executive with control  
13 of the entity.”

14 PayPal records show that Garrett accessed the PayPal account from May 6, 2016, through  
15 December 25, 2017, and that on February 20, 2018, he attempted to access the account again, but  
16 the log in failed. Through the PayPal account, from August 30, 2016, through October 11, 2016,  
17 the Committee received payments from four individuals, each in the amount of \$64 — the same  
18 amount that the Committee was soliciting in the name of federal candidates without their  
19 knowledge or authority. In addition, the Committee received \$176.47 in earnings from Zazzle,  
20 the website the Committee used to sell unauthorized merchandise in the name of federal  
21 candidates. The aggregate total of payments received equals \$432.47.

1 According to Garrett, the PayPal site received no donations — contrary to PayPal records  
2 which show the receipt of four \$64 contributions — and he alleges the significance of the  
3 suggested \$64 donation was to match the year of President Richard Nixon’s first election [which  
4 Garrett mistakenly believed was 1964] or to refer to the 64th line in the U.S. Constitution, but he  
5 could not remember which.

6 The Committee’s bank records show little activity. Garrett opened the account with \$100  
7 in cash, and made payments in the total amount of \$77 to Media Temple, a web and cloud  
8 hosting provider, and \$9.99 to DropBox, a file hosting service. Other than the initial deposit,  
9 there were no other deposits to the account. The remaining funds were deducted as bank fees.  
10 The account closed on September 27, 2016, with a zero balance.

11 Garrett describes himself as an entrepreneur and executive and not a member of any  
12 political organization, and his political experience is limited to running for the District of  
13 Columbia City Council in 1994 at the age of 23 and raising \$600 for his campaign. Garrett  
14 explains that he and a “couple of friends,” who he refused to name, organized the Committee as a  
15 “joke,” and they invented the acronym “ASSPAC” to be “funny.” The idea to register a made-  
16 up organization with the Commission began when Garrett and his friends read a 2015 news  
17 article about a fifteen-year-old who registered a campaign committee with a funny name, which  
18 received enough press attention that it was mentioned on the satirical news program, The Daily  
19 Show, on the subject of how easy it was to form a committee. According to Garrett, he and his  
20 friends were seeking the same type of attention when they formed the Committee, and Garrett  
21 claims that as “students of government and policy,” their main purpose was to prove how easy it  
22 was to spread misinformation on social media and to bring attention to the “problems” with

1 federal election laws. According to Garrett, he has never reviewed FEC regulations, nor does he  
2 have any type of training in running a political committee.

3                   2. The Committee's social media accounts

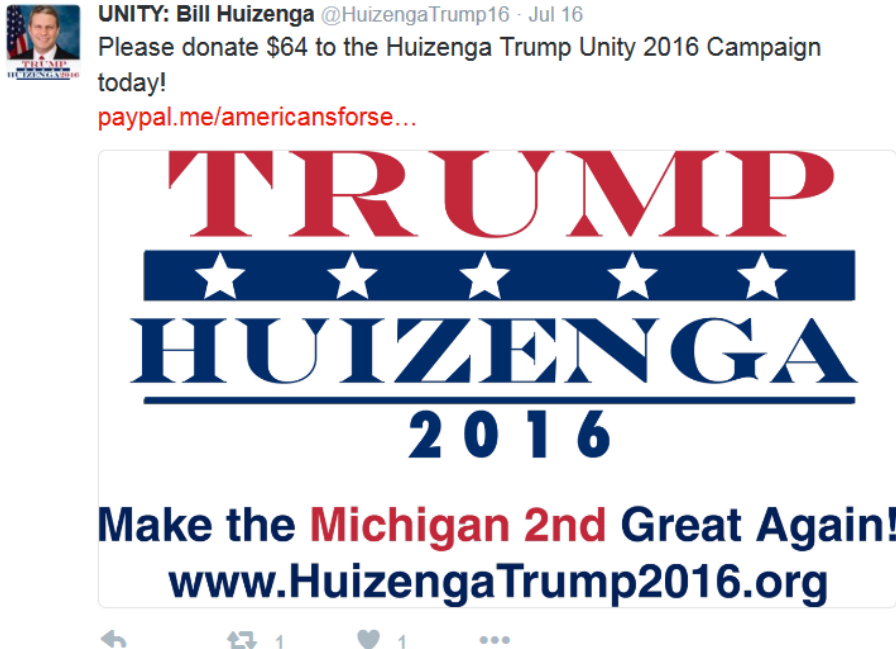
4           According to the available information, five days after opening the Committee's bank  
5 account with Wells Fargo in May 2016, Garrett established numerous accounts on Facebook,  
6 Twitter, Zazzle, Imgur, and Pinterest in the names of numerous federal candidates, as well as a  
7 PayPal account. In determining which candidates to represent on the Committee's various social  
8 media sites, Garrett Googled "purple states" to identify those which were closely divided  
9 between Republicans and Democrats, and then targeted congressional candidates from those  
10 states to try to make them disavow a relationship with then-candidate Donald J. Trump via the  
11 sale of materials bearing the name of the congressional candidate next to Trump's.

12           Garrett automated all of the social media sites using the "IFTTT" ("if this, then that")  
13 application, and set up "bots" that would "like," "comment" and "re-tweet" on the sites in an  
14 effort to keep them active. Garrett and his friends did not otherwise monitor the sites, so Garrett  
15 is not certain whether all the comments on the Twitter or Facebook pages were bots or if people  
16 actually commented.

17                   a. *@HuizengaTrump16 Twitter account*

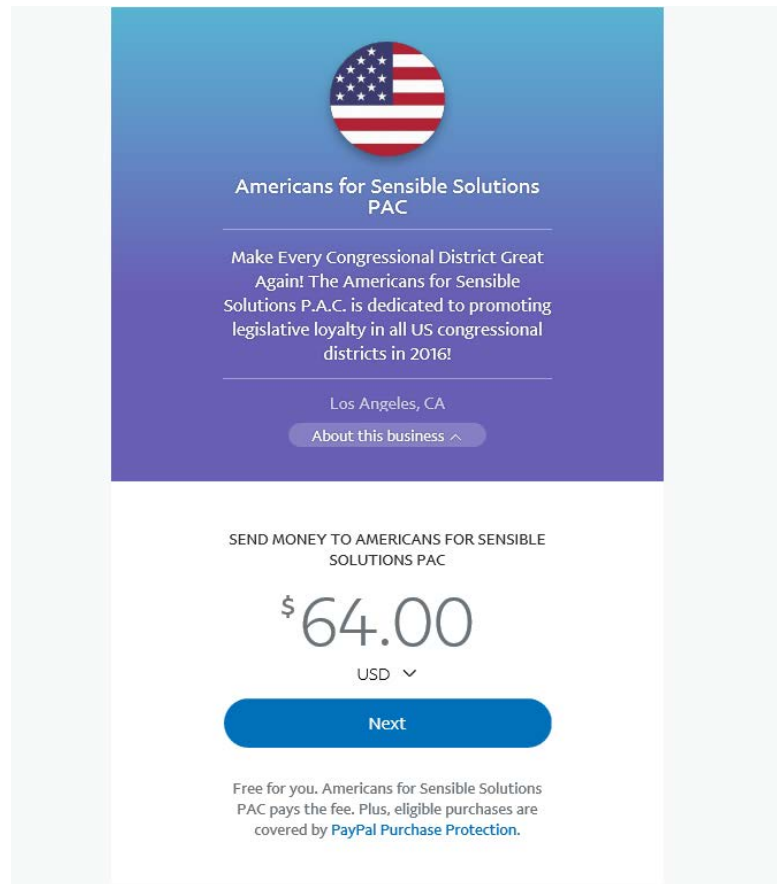
18           The @HuizengaTrump16 Twitter account was suspended shortly after the Complaint was  
19 filed. The word "unofficial" appears in the account heading, but not in the tweets themselves.  
20 The account contains tweets from "Unity: Bill Huizenga@HuizengaTrump16" soliciting  
21 donations to the Committee's PayPal account and containing links to a Zazzle page selling  
22 merchandise. Each tweet contains a "TrumpHuizenga 2016" campaign logo; a slogan, "Make

- 1 the Michigan 2nd Great Again!;" and the web address, "www.HuizengaTrump2016.org."<sup>5</sup> The  
2 tweet soliciting donations states: "Please donate \$64 to the Huizenga Trump Unity 2016  
3 Campaign today!" A copy of the tweet is shown below.



- 4  
5 The first page of the Committee's PayPal account is also shown below.

<sup>5</sup> The website, "www.HuizengaTrump2016.org," is no longer functioning.



1           There are several other @HuizengaTrump16 tweets linking to the Zazzle page, and each  
2           separately displays a hat, campaign button, mug, shirt, sweatshirt, or keychain with the “Trump  
3           Huizenga 2016” campaign logo, slogan, and website address. An example of a tweet linking to  
4           the Zazzle page selling the campaign button is shown below.



*b. Zazzle page*

The Zazzle page selling Huizenga Trump 2016 Unity merchandise is no longer functioning.<sup>6</sup> Photographs of the merchandise for sale on that page appear on the @HuizengaTrump16 Twitter account, as well as in other social media accounts discussed below. According to the Complaint, that Zazzle page states: “This website is managed by the Americans for Sensible Solutions Political Action Committee along with the Republican Organization for Legislative Loyalty, and is intended to encourage unity between these two tremendous candidates

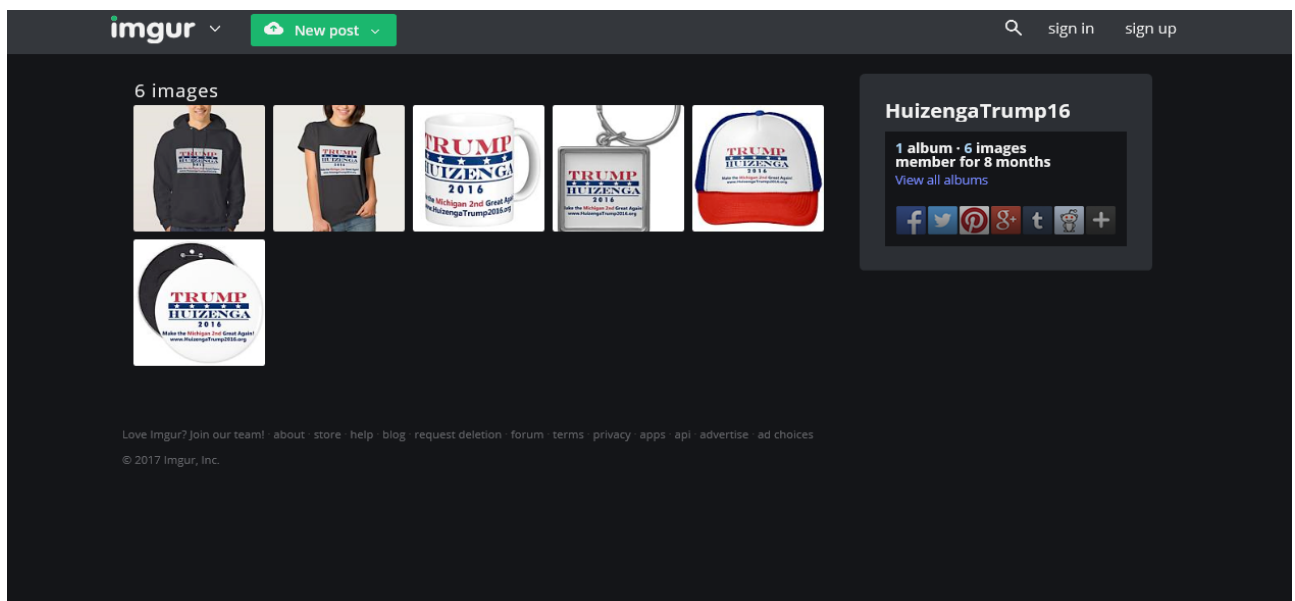
<sup>6</sup> See e.g., [http://www.zazzle.com/huizenga\\_trump\\_2016\\_unity\\_button-145054775072021025](http://www.zazzle.com/huizenga_trump_2016_unity_button-145054775072021025) (broken link).



and highlight the overwhelming similarity between their respective agendas and policy positions.”

*c. Imgur Account*

Garrett also established a “HuizengaTrump16” Imgur account with images of the Huizenga Trump 2016 Unity merchandise sold on Zazzle. A copy of the Imgur account is shown below.<sup>7</sup>

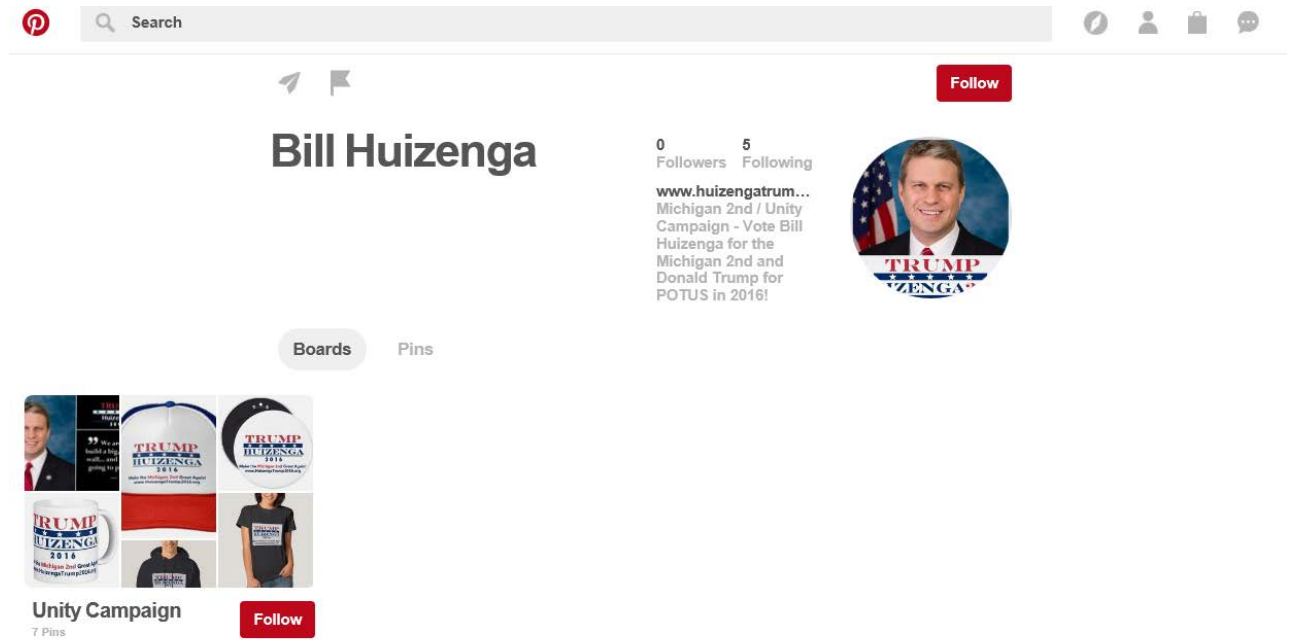


*d. Pinterest*

Similarly, Garrett created a Pinterest page saving images of the Huizenga Trump 2016 Unity merchandise sold on Zazzle. A copy of the Pinterest page is shown below.<sup>8</sup>

<sup>7</sup> See <http://huizengatrump16.imgur.com/all/> (broken link).

<sup>8</sup> See <https://www.pinterest.com/billhuizenga/>.



- 1 Clicking on the photographs of the merchandise shows that the Committee used
- 2 Huizenga's name (and picture) as the person "saving" the photographs to Pinterest. For
- 3 example:<sup>9</sup>

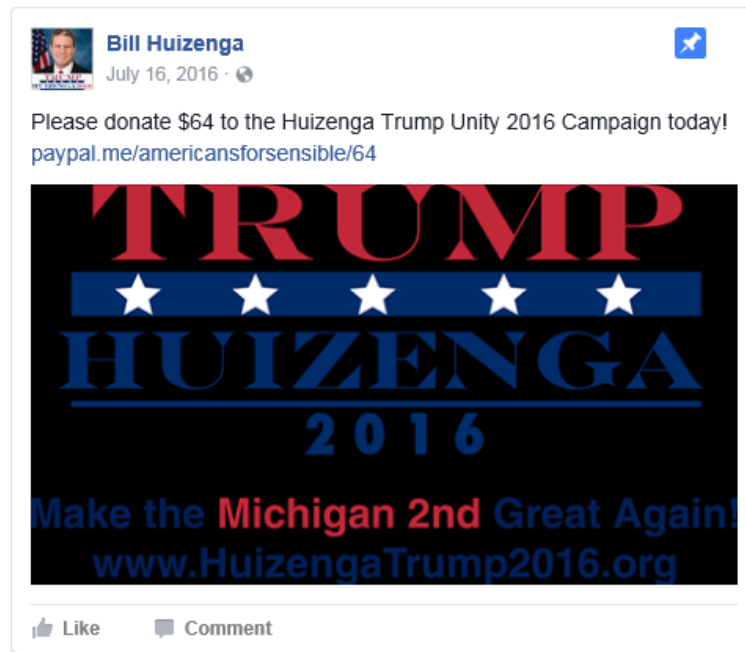
<sup>9</sup> See <https://www.pinterest.com/pin/135319163783754045/>.



e. *“Trump Huizenga 2016 Unity Campaign” Facebook page*

In addition, Garrett created a “Trump Huizenga 2016 Unity Campaign” Facebook page, which solicits donations to its PayPal account, and it also sells merchandise with Huizenga’s name. The posts on the Facebook page are similar to those on the Twitter account, and display a Trump Huizenga 2016 campaign logo, slogan, and website address. A copy of one post soliciting donations is shown below.

# Posts



## f. Unauthorized activity with respect to other federal candidates

It appears that Garrett created at least thirty-three (33) “unofficial” “Unity Trump16” Facebook accounts naming various House and Senate candidates, soliciting donations to its PayPal account, and selling merchandise with the candidates’ names. One such example is the “Unofficial: Adam Kinzinger 2016 Unity Campaign” Facebook page.<sup>10</sup> A post on that page displays a Trump Kinzinger 2016 campaign logo and solicits donations as follows: “Please donate \$64 to the Kinzinger Trump Unity 2016 Campaign today!” and links to the Committee’s PayPal account. The post is shown below.

<sup>10</sup> Available at <https://facebook.com/Unofficial-Adam-Kinzinger-2016-Unity-Campaign-1734617503493915/> (broken link).

# Posts



In addition, Garrett marketed “unity gifts” on Zazzle using other candidates’ names. For example, the Committee offered a “Kinzinger Trump 2016 Unity Sweatshirt” for sale that contained a campaign logo, slogan, and website similar to that of the Committee’s Huizenga Trump 2016 Unity merchandise, as shown below.<sup>11</sup>

<sup>11</sup> See [https://www.zazzle.com/kinzinger\\_trump\\_2016\\_unity\\_sweatshirt-235489038152365133](https://www.zazzle.com/kinzinger_trump_2016_unity_sweatshirt-235489038152365133).



The Zazzle page also states in pertinent part:

This website is managed by the Americans for Sensible Solutions Political Action Committee along with The Republican Organization for Legislative Loyalty, and is intended to encourage unity between these two tremendous candidates and highlight the overwhelming similarity between their respective agendas and policy positions. By law, the Americans for Sensible Solutions P.A.C. may not collaborate, collude or coordinate with either the campaigns of either Adam Kinzinger or Donald Trump. Please support a unified Republican Party in the November Elections by donating to our Political Action Committee or purchasing Unity items below.<sup>12</sup>

According to Garrett, he obtained the disclaimer information by cutting and pasting from a non-affiliated PAC website, and he added a disclaimer to all of the social media accounts, which he believed was sufficient to show that the Committee was not affiliated with any candidate. Garrett further alleges that “the Republican Organization for Legislative Loyalty” mentioned in the disclaimer is not a real group, not registered anywhere, and that the acronym for

<sup>12</sup> See *id.*

the fictitious group, ROLL, is similar to “Troll,” such as in “Russian troll farms,” which he thought as “funny” or a “joke” to self-reference themselves as a troll committee.

3. Complaints from other federal candidates.

In August 2016, Rep. Carlos Curbelo of Florida’s 26th Congressional District reportedly sent a cease-and-desist letter to the Committee for creating a series of unauthorized social media accounts and e-commerce websites unlawfully using Curbelo’s name and likeness for commercial purposes and soliciting contributions.<sup>13</sup> In pertinent part, the letter reportedly states that the Committee created a fraudulent Twitter account named @CurbeloTrump16, and Facebook, Pinterest, and Imgur accounts each containing a “fraudulent ‘Trump Curbelo 2016’ campaign logo” and that the Committee uses “the accounts to sell t-shirts, buttons and other merchandise donning the fake logo on e-commerce site, Zazzle.”<sup>14</sup> The cease-and-desist letter also asserts that, among other violations of state and federal law, the Committee “engaged in an intentional effort to raise political contributions using Mr. Curbelo’s name” in violation of the Act.<sup>15</sup> According to the letter, the social media accounts include links to “donate \$64 to the Curbelo Trump Unity 2016 Campaign today!” directing users to a PayPal account for the

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<sup>13</sup> See Matt Dixon, *Curbelo sends cease-and-desist to new PAC tying him to Trump*, POLITICO.COM, <http://www.politico.com/states/florida/story/2016/08/curbelo-sends-cease-and-deist-to-new-pac-tying-him-to-trump-104606>.

<sup>14</sup> See *id.*; letter from Charles R. Spies, Counsel to Carlos Curbelo and Carlos Curbelo Congress, to David Garrett, Treasurer (Aug. 8, 2016) available at <http://www.politico.com/states/f/?id=00000156-705f-d872-ad77-f47f1c410000>.

<sup>15</sup> *Id.*

1 Committee.<sup>16</sup> The alleged fake campaign logo on a button described in the Curbelo cease-and-  
 2 desist letter is shown below.<sup>17</sup>



3  
 4 In his interview, Garrett acknowledged receipt of a cease-and-desist letter, and alleges  
 5 that he ceased all activity from that point forward.

6 Finally, a local news broadcast in New Hampshire reported that the Committee was using  
 7 then-U.S. Senator Kelly Ayotte's name without permission on social media accounts, soliciting  
 8 donations of \$64 to an unauthorized "Trump Ayotte Unity" campaign through a PayPal account,  
 9 and selling unauthorized "Trump Ayotte 2016" merchandise on Zazzle.<sup>18</sup>

### 10 C. Legal Analysis

11 Based on the evidence in the record, Garrett appears to have misrepresented that the  
 12 Committee was acting on behalf of Huizenga's official campaign for the purpose of soliciting  
 13 contributions.

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<sup>16</sup> *Id.*

<sup>17</sup> Curbelo cease-and-desist letter at n.3 (citing <http://curbelotrump16.imgur.com/all/> (broken link)).

<sup>18</sup> See Deane, Kevin, A 'PAC' is asking for your \$64 to support Trump/Ayotte," NH1.COM, <http://www.nh1.com/news/a-pac-is-asking-for-your-64-to-support-trump-ayotte/> (broken link).



1           The Committee does not clearly identify itself as distinct from Huizenga and HFC, thus  
 2     implying that Huizenga and HFC authorized the activity, when they did not. The use of  
 3     Huizenga's name in the Twitter address @HuizengaTrump16 and each tweet, and on the  
 4     Facebook page "Trump Huizenga 2016 Unity Campaign" and in Facebook posts, while soliciting  
 5     contributions via the Committee's PayPal account, misleads the ordinary reader into believing  
 6     that Huizenga is making or endorsing the solicitation. These accounts and messages also appear  
 7     designed to create the impression that funds contributed would support Huizenga's campaign.<sup>19</sup>  
 8     The corroborative evidence supports a reasonable inference that the Committee intended to cause  
 9     such confusion. The statements on Twitter and Facebook suggest that the contributions directly  
 10    benefit Huizenga, rather than the Committee. For example, the solicitation: "Donate \$64 to the  
 11    Trump Huizenga Unity 2016 Campaign today!" suggests that a contribution to the Committee is  
 12    essentially a donation to Huizenga's campaign. The mere presence of disclaimers is not  
 13    dispositive here, where the Committee falsely claimed to be Huizenga and HFC.

14           Moreover, that the Committee filed only one disclosure report tends to support a finding  
 15    that it violated section 30124. The Committee's failure to file disclosure reports is in itself  
 16    "probative of [a] Committee's intent to misrepresent itself to the public,"<sup>20</sup> because the  
 17    Committee has failed to disclose how it spends the contributions it receives. The Committee's  
 18    single report filed, the 2016 July Quarterly Report, discloses no receipts, disbursements, or

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<sup>19</sup> Although reliance is not a necessary element, it is persuasive in establishing that fraudulent misrepresentation occurred. *See* 67 Fed. Reg. at 76,969. The Commission has found such information persuasive. *See, e.g.,* Factual & Legal Analysis at 4-5, MUR 6531 (Obama-Biden 2012).

<sup>20</sup> Factual & Legal Analysis at 9, MUR 5472 (Republican Victory 2004 Committee) (Feb. 8, 2005) (stating that "failure to file reports with the Commission indicating on what, if anything the money raised has been spent may be probative of the Committee's intent to misrepresent itself to the public."). *See also* Factual & Legal Analysis at 10, MUR 6633 (Republican Majority Campaign) (Mar. 7, 2014) ("[w]eighing against a finding of reason to believe

contributions made to Huizenga or any other federal candidate.<sup>21</sup> The Committee's apparent lack of disbursement in support of Huizenga's candidacy further demonstrates the Committee's fraudulent intent.<sup>22</sup>

The Commission may take action as to a treasurer in his personal capacity where, among other instances, a treasurer violates a prohibition that applies generally to individuals. "In this way, a treasurer would be treated no differently than any other individual who violates a provision of the Act."<sup>23</sup> Thus, the Commission has pursued not only political committees or other entities for violations of Section 30124(b), but also the individuals responsible for such committees or entities.<sup>24</sup>

The evidence shows that Garrett is the principal individual connected to the Committee. As the treasurer, he controlled its financial accounts, in particular, the PayPal account that was directly linked to the Committee's online solicitations for \$64 donations that were represented to be used to support federal candidates. The evidence also shows that Garrett directed the content, organization, and purpose of the online solicitations, which spread throughout numerous social media platforms, and targeted as many as 33 House and Senate candidates in its activities.

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that the Respondent violated [52 U.S.C. § 30124(b)] is the fact that [the Respondent] is registered with the Commission and complies with its reporting requirements.").

<sup>21</sup> See 2016 July Quarterly Report (Aug. 8, 2016).

<sup>22</sup> Cf. *Novacek*, 739 F. Supp. 2d at 965.

<sup>23</sup> Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 5 note 7 (Jan. 3, 2005).

<sup>24</sup> See Factual & Legal Analysis, MUR 6531 (Obama-Biden 2012) (reason-to-believe finding as to president of non-profit, Miguel Figueroa, and committee); Factual & Legal Analysis, MUR 5472 (Jody Novacek) (reason-to-believe and probable cause findings as to Jody Novacek as well as her committee); MUR 5951 (Californians for Change) (reason-to-believe and probable cause to believe findings as to Emmett Cash III as well as his committee).

1           Garrett's stated motivations in organizing the Committee do not vitiate the violations.

2       The Commission has considered cases in which a person making an otherwise prohibited or

3       excessive solicitation claimed to be joking. In MUR 6939 (Mike Huckabee, *et al.*), the

4       Commission considered the context in which Mike Huckabee stated, "[i]f you want to give a

5       million dollars, please do it" and determined that a reasonable person would not consider that

6       statement to be an actual solicitation of funds where "he appeared to be making a humorous aside

7       during the course of a speech." This case, however, is readily distinguishable because an

8       objective observer would have reasonably considered the Committee's statements to "Donate

9       \$64 to the Trump Huizenga Unity 2016 Campaign today!" to be actual solicitations for

10      contributions in support of Huizenga and the other federal candidates identified in its various

11      social media platforms, and, in fact, the Committee raised approximately \$400 in response to its

12      solicitations and sale of merchandise. The Committee's full name, not the acronym that Garrett

13      thought was "funny," is used on its communications. Further, Garrett's stated purpose, to show

14      how easy it is to spread misinformation about elections, was not a joke and is not apparent in its

15      communications. By registering the Committee with the Commission and filing a disclosure

16      report, Garrett misled the public that it was a political committee making the solicitations for the

17      benefit of, or at least endorsed by, the federal candidates identified in its communications.

18           Accordingly, the Commission finds reason to believe that David Garrett in his personal

19      capacity violated 52 U.S.C. § 30124(b)(1).