



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC AND FIRST CLASS MAIL

N. Bradley Litchfield, Esq.
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JUN 19 2019

RE: MUR 7226
Pawlowski2016.com
Lisa Pawlowski, Treasurer

Dear Mr. Litchfield:

The Federal Election Commission (the "Commission") previously notified your clients, Pawlowski2016.com and Lisa Pawlowski in her official capacity as treasurer (the "Committee"), that it had ascertained information in the normal course of carrying out its supervisory responsibilities indicating that your clients may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). At that time, we also provided your clients with a copy of the referral document received by this Office. The referral stated that the Committee has been referred for the unauthorized use of committee funds, in violation of 52 U.S.C. §§ 30104(b) and 30114. We received your clients' response, and the matter is currently under review by the Commission.

The Commission has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that the Committee may have violated the Act or Commission regulations by accepting excessive or prohibited in-kind contributions. We have obtained information indicating that during Pawlowski's campaign for U.S. Senate in 2015, Pawlowski used vehicles owned by Nicola Bulgari, an Italian businessman, at little or no charge to the campaign, for multiple campaign-related trips in the area. The Committee is therefore being provided this notice and an opportunity to respond, if it wishes to do so.

Under the Act, the term "contribution" includes any gift, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing a Federal election. See 52 U.S.C. § 30101(8)(A) and 11 C.F.R. § 100.52. Goods or services provided at

less than the usual and normal charge result in in-kind contributions. 11 C.F.R. §§ 100.52(d)(1), 100.111(e)(1). Usual and normal charge refers to the price of goods in the market from which they would have been purchased at the time they were provided. 11 C.F.R. § 100.52(d)(2), 100.111(e)(2).

The Act and Commission regulations require each treasurer of a political committee to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104. 52 U.S.C. § 30104(a), (b); 11 C.F.R. §§ 104.1 and 104.3. Such reports must include the total amount of contributions received, as well as the identification of each person or political committee who made a contribution in excess of \$200 during the reporting period, together with the date and amount of such contribution. 52 U.S.C. § 30104(b)(2)(A), (b)(3)(A)-(B).

The Act prohibits any person from making, and any candidate or committee from accepting, contributions in excess of the limits stated in 52 U.S.C. § 30116. 52 U.S.C. § 30116(a), (f). Further, the Act prohibits persons from soliciting, accepting, or receiving a contribution or donation from a foreign national. 52 U.S.C. § 30121(a)(2). A “foreign national” is an individual who is not a citizen of the United States or a national of the United States and who is not lawfully admitted for permanent residence. 52 U.S.C. § 30121(b)(2).

The campaign’s alleged use of vehicles for campaign-related trips without charge or at a charge that is less than the usual and normal charge for rental of such vehicles would constitute an in-kind contribution to the campaign, which is subject to the reporting requirements and source and contribution limits under the Act. Based on the available information, it appears that the Committee may have violated the Act by accepting an unreported excessive in-kind contribution, or if from a foreign national, a prohibited in-kind contribution, in connection with the campaign’s use of the vehicles.

The Office of General Counsel is reviewing this information to determine whether we should recommend to the Commission that it find there is reason to believe you violated the Act or Commission regulations. A “reason to believe” finding is not a finding that any person violated the Act; rather, it means only that the Commission believes a violation may have occurred. In the event the Commission finds that there is reason to believe, it may authorize the Office of General Counsel to conduct an investigation to determine whether, in fact, a violation occurred or to assess the scope of the alleged violation. *See* 52 U.S.C. § 30109(a)(2). The Commission may also authorize the Office of General Counsel to enter into negotiations directed toward reaching a conciliation agreement in settlement of a matter at an earlier stage of the enforcement process prior to a Commission finding that there is probable cause believe that a person violated the Act or Commission regulations. *See* 11 C.F.R. § 111.18(d).

Before we make a recommendation to the Commission, we offer the Committee the opportunity to provide in writing a response to the allegations in the complaint and the information in this letter. Should the Committee choose to respond, it may also submit any materials – including documents or affidavits from persons with relevant knowledge – that it believes may be relevant or useful to the Commission’s consideration of this matter. The

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Commission will take into account any additional information the Committee provides in determining whether to find reason to believe that the Committee violated the Act or Commission regulations.

The response, if the Committee chooses to make one, must be submitted in writing within 15 days of this letter's receipt. You should address any response to the Office of General Counsel, and the response should reference MUR 7226. Direct any response to: Federal Election Commission, 1050 First St. N.E. Washington, D.C. 20463 or to me at ddillenseger@fec.gov. After 15 days, we will make our recommendations to the Commission. The Commission will then consider the recommendations and take appropriate action.

This matter will remain confidential unless the Committee notifies the Commission in writing that it wishes the matter to be made public. *See* 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12). Please be advised though that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.¹ Also, please be advised that you are required to preserve all documents, records, and materials relating to the subject matter in the complaint and discussed in this matter until we notify you that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

If you have any questions, please contact me at my email address listed above or at (202) 694-1604 or toll free at 1-800-424-9530. Information is also available on the Commission's website at www.fec.gov.

Sincerely,



Dominique Dillenseger
Attorney

¹ The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).