



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA Overnight Mail

Nicola Bulgari
730 Fifth Avenue Frnt 2
New York, NY 10019-4105

JUN 19 2019

RE: MUR 7226

Dear Mr. Bulgari:

The Federal Election Commission (the “Commission”), the regulatory agency that administers and enforces the Federal Election Campaign Act of 1971, as amended (the “Act”), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that you may have violated the Act or Commission regulations by making excessive or prohibited in-kind contributions to Pawlowski2016.com, the principal campaign committee of candidate Edwin Pawlowski (“the Committee”) in the 2016 election cycle. You are therefore being provided this notice and an opportunity to respond, if you wish to do so.

In connection with the Commission’s investigation of this matter, we obtained information indicating that during Pawlowski’s campaign for U.S. Senate in 2015, Pawlowski used several of your vehicles, at little or no charge, for multiple campaign-related trips in the area. Based on this information, it appears that you may have made excessive or prohibited in-kind contributions to the Committee.

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. The provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services is a contribution. 11 C.F.R. § 100.52(d)(1).

The Act sets forth limits to contributions that a person may make. *See* 52 U.S.C. § 30116(a). In 2017, the maximum contribution that an individual could make to a candidate and his authorized committee was \$2,700 per election.

Further, the Act prohibits any foreign national from making “a contribution or donation of money or other thing of value” in connection with a federal, state, or local election. 52 U.S.C.

Mr. Nicola Bulgari
MUR 7226
Page 2

§ 30121(a)(1)(A); 11 C.F.R. § 110.20(b). 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). “Foreign national” also includes “a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” 52 U.S.C. § 30121(b)(1); 22 U.S.C. § 611(b).

The alleged use of your 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 from you to the campaign, which is subject to the source and contribution limits under the Act. Further, foreign nationals are prohibited from making any contributions to a federal, state, or local election. Based on the available information, it appears that you may have violated the Act by making either an excessive contribution, or if a foreign national, prohibited contributions to the Committee in connection with the 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 to believe that a person violated the Act or Commission regulations. *See* 11 C.F.R. § 111.18(d) and the enclosed procedures. Attachment 1.

Before we make a recommendation to the Commission, we offer you the opportunity to provide in writing a response to the allegations in the complaint and the information in this letter. Should you choose to respond, you may also submit any materials – including documents or affidavits from persons with relevant knowledge – that you believe may be relevant or useful to the Commission’s consideration of this matter. The Commission will take into account any additional information you provide in determining whether to find reason to believe that you violated the Act or Commission regulations.

Your response, if you choose 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.

Mr. Nicola Bulgari
MUR 7226
Page 3

This matter will remain confidential unless you notify the Commission in writing that you wish the matter to be made public. *See* 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12). If you intend to be represented by counsel in this matter, please complete the enclosed form and return it to the Commission. Attachment 2. 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).