



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

August 4, 2021

**VIA ELECTRONIC MAIL**

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RE: MURs 7058, 7228, & 7233  
Duncan D. Hunter for Congress and  
Chris Marston in his official  
capacity as treasurer

Dear Messrs. Torchinsky and Bayes:

On April 24, 2018, the Federal Election Commission found reason to believe that your client, Duncan D. Hunter for Congress and Chris Marston in his official capacity as treasurer (the “Committee”), violated 52 U.S.C. §§ 30104(b)(6)(A) and 30114(b) of the Federal Election Campaign Act of 1971, as amended (the “Act”), by converting campaign funds to personal use and failing to accurately report disbursements. A Factual and Legal Analysis setting forth the basis for the Commission’s determination was provided to your client at that time, and the Commission subsequently commenced an investigation.

In order to expedite the resolution of this matter, on July 15, 2021, the Commission authorized the Office of General Counsel to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Pre-probable cause conciliation is not mandated by the Act or the Commission’s regulations, but is a voluntary step in the enforcement process that the Commission is offering to your client as a way to resolve this matter at an early stage and without the need for briefing the issue of whether or not the Commission should find probable cause to believe that your client violated the law.

Jason Torchinsky, Esq.  
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If your client agrees with the provisions of the enclosed agreement, please sign and return it along with the civil penalty. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 60 days, you should respond to this notification as soon as possible. Accordingly, if your client is interested in engaging in pre-probable cause conciliation, please contact me, the supervising attorney assigned to this matter, at (202) 694-1597 or [cpavia@fec.gov](mailto:cpavia@fec.gov), within seven days of receipt of this letter. In order to facilitate this voluntary step in the enforcement process, also attached is a tolling agreement for your signature on behalf of your client.

During conciliation, you may submit any factual or legal materials that you believe are relevant to the resolution of this matter. Because the Commission only enters into pre-probable cause conciliation in matters that it believes have a reasonable opportunity for settlement, we may proceed to the next step in the enforcement process if a mutually acceptable conciliation agreement cannot be reached within 60 days. *See* 52 U.S.C. § 30109(a); 11 C.F.R. Part 111 (Subpart A). Please note that once the Commission enters the next step in the enforcement process, it may decline to engage in further settlement discussions until after making a probable cause finding.

Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available at

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[https://www.fec.gov/resources/cms-content/documents/respondent\\_guide.pdf](https://www.fec.gov/resources/cms-content/documents/respondent_guide.pdf). This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

We look forward to your response.

Sincerely,



Claudio J. Pavia  
Acting Assistant General Counsel