



FEDERAL ELECTION COMMISSION

Washington, D.C. 20463

December 3, 2021

MEMORANDUM

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4 **TO:** The Commission
5
6 **FROM:** Lisa J. Stevenson
7 Acting General Counsel
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9 Charles Kitcher
10 Associate General Counsel for Enforcement
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12 Claudio J. Pavia
13 Acting Deputy Associate General Counsel for Enforcement
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15 **BY:** Anne B. Robinson *ABR*
16 Acting Assistant General Counsel
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18 Richard L. Weiss *RLW*
19 Attorney
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21 **SUBJECT:** MURs 7058, 7228 and 7233 (Duncan D. Hunter for Congress)
22 Recommendation to Accept Signed Conciliation Agreement
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25 On April 24, 2018, the Commission found reason to believe that Duncan D. Hunter for
26 Congress and Chris Marston in his official capacity as treasurer (the “Committee”) violated
27 52 U.S.C. §§ 30114(b) and 30104(b)(6)(A) by converting campaign funds to personal use and
28 failing to accurately report disbursements.¹ On July 15, 2021, the Commission authorized pre-

¹ Certification (“Cert.”) ¶¶ 1-2 (Apr. 26, 2018). The Commission also found reason to believe that Duncan D. Hunter and Margaret Hunter violated 52 U.S.C. § 30114(b). *Id.* ¶ 1. This Office subsequently commenced an investigation to complete the factual record and determine whether Respondents’ conduct was knowing and willful. *See* First Gen. Counsel’s Rpt. at 3. On August 21, 2018, the U.S. Attorney for the Southern District of California filed a criminal indictment against the Hunters charging them, *inter alia*, with conversion of campaign funds to personal use, in violation of 52 U.S.C. § 30114(b). Indictment ¶¶ 18-22, 23-26, 27-28; 29-34, *United States v. Duncan D. Hunter and Margaret E. Hunter*, 3:18-cr-3677 (S.D. Cal. Aug. 21, 2018). On February 25, 2019, following a request from the Committee, the Commission agreed to hold the investigation in full abeyance during the pendency of the related criminal matter in exchange for tolling from Respondents. Cert. (Feb. 25, 2019). On June 13, 2019, Margaret Hunter pleaded guilty to conspiring to knowingly and willfully convert campaign funds to personal use. Plea Agreement, *United States v. Margaret E. Hunter*, 3:18-cr-3677 (S.D. Cal. June 13, 2019). On December 3, 2019, Duncan Hunter pleaded guilty to the same single count. Plea Agreement, *United States v. Duncan D. Hunter*, 3:18-cr-3677 (S.D. Cal. Dec. 3, 2019). Before Margaret Hunter finished her home confinement and ahead of Duncan Hunter’s incarceration, on December 22 and 23, 2020, President Donald J. Trump granted pardons to Duncan Hunter and Margaret Hunter for their criminal convictions. Duncan D. Hunter, Executive Grant

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1 probable cause conciliation with Respondents and approved a global conciliation agreement for
2 Duncan Hunter, Margaret Hunter, and the Committee.² On September 3, 2021, following a
3 request from the Committee, we notified the Commission that we would pursue bifurcated
4 conciliation agreements.
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of Clemency, U.S. DEP'T OF JUSTICE (Dec. 22, 2020), <https://www.justice.gov/pardon/page/file/1348966/download>;
Margaret E. Hunter, Executive Grant of Clemency, U.S. DEP'T OF JUSTICE (Dec. 23, 2020),
<https://www.justice.gov/file/1349091/download>.

² Cert. ¶ 2 (July 28, 2021).

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We believe this settlement represents an acceptable resolution of the matter as to the Committee. We therefore recommend that the Commission accept the signed conciliation agreement with the Committee and close the file as to the Committee.

RECOMMENDATIONS:

1. Accept the attached conciliation agreement;
2. Approve the appropriate letter; and
3. Close the file as to the Committee.