



FEDERAL ELECTION COMMISSION

Washington, D.C. 20463

1 January 28, 2022

2 **MEMORANDUM**

3 **TO:** The Commission

4 **FROM:** Lisa J. Stevenson
5 Acting General Counsel

6 Charles Kitcher
7 Associate General Counsel for Enforcement

8 Claudio J. Pavia
9 Acting Deputy Associate General Counsel for Enforcement

10 **BY:** Anne B. Robinson *ABR*
11 Acting Assistant General Counsel

12 Richard L. Weiss *RLW*
13 Attorney

14 **SUBJECT:** MURs 7058, 7228, and 7233 (Duncan D. Hunter, *et al.*)
15 Recommendation to Accept Signed Conciliation Agreement

24 **I. INTRODUCTION**

25 On April 24, 2018, the Commission found reason to believe that Duncan D. Hunter and
26 Margaret Hunter violated 52 U.S.C. § 30114(b) of the Federal Election Campaign Act of 1971,
27 as amended (the “Act”), by converting campaign funds to personal use, as well as found reason
28 to believe that Duncan D. Hunter for Congress and Chris Marston in his official capacity as
29 treasurer (the “Committee”) violated 52 U.S.C. §§ 30114(b) and 30104(b)(6)(A).¹ On July 15,

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¹ Certification (“Cert.”) ¶¶ 1-2 (Apr. 26, 2018). This Office subsequently commenced an investigation to
31 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, Ms. 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, Mr. Hunter
pleaded guilty to the same single count. Plea Agreement, *United States v. Duncan D. Hunter*, 3:18-cr-3677 (S.D.

MURs 7058, 7228, and 7233 (Duncan D. Hunter, *et al.*)

Memorandum to the Commission

Page 2 of 8

1 2021, the Commission authorized pre-probable cause conciliation with Respondents and
2 approved a global conciliation agreement.² On September 3, 2021, following a request from the
3 Committee, we notified the Commission that we would pursue bifurcated conciliation
4 agreements. On December 16, 2021, the Commission approved a negotiated conciliation
5 agreement with the Committee.⁴

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Cal. Dec. 3, 2019). Before Ms. Hunter finished her home confinement and ahead of Mr. Hunter's incarceration, on December 22 and 23, 2020, President Donald J. Trump granted pardons to the Hunters for their criminal convictions. Duncan D. Hunter, Executive Grant 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).

⁴ Cert. ¶ 1 (Dec. 16, 2021).

MURs 7058, 7228, and 7233 (Duncan D. Hunter, *et al.*)

Memorandum to the Commission

Page 3 of 8

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MURs 7058, 7228, and 7233 (Duncan D. Hunter, *et al.*)

Memorandum to the Commission

Page 4 of 8

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MURs 7058, 7228, and 7233 (Duncan D. Hunter, *et al.*)

Memorandum to the Commission

Page 5 of 8

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MURs 7058, 7228, and 7233 (Duncan D. Hunter, *et al.*)

Memorandum to the Commission

Page 6 of 8

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MURs 7058, 7228, and 7233 (Duncan D. Hunter, *et al.*)

Memorandum to the Commission

Page 7 of 8

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MURs 7058, 7228, and 7233 (Duncan D. Hunter, *et al.*)

Memorandum to the Commission

Page 8 of 8

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4 **III. CONCLUSION**

5 Given the overall circumstances of the matter, including the value of a signed conciliation
6 agreement that includes a civil penalty and the Hunters's acceptance of the Commission's
7 findings, potential litigation risk of the tolling agreements and presidential pardons, expiring
8 statute of limitations, and the limited documentation that we have regarding the disbursements
9 that were allegedly personal use, we believe this settlement represents an acceptable resolution of
10 this matter and provides for the successful closure of a nearly six-year old matter. Therefore, we
11 recommend that the Commission accept the negotiated conciliation agreement with the Hunters
12 and close the file.

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14 **IV. RECOMMENDATIONS**

15 1. Accept the attached conciliation agreement;

16 2. Approve the appropriate letters; and

17 3. Close the file.

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