



FEDERAL ELECTION COMMISSION  
Washington, DC

1 **MEMORANDUM**  
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3 **TO:** The Commission  
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5 **FROM:** Lisa J. Stevenson  
6 Acting General Counsel  
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8 **BY:** Charles Kitcher *CK*  
9 Acting Associate General Counsel for Enforcement  
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11 Stephen Gura *SG*  
12 Deputy Associate General Counsel for Enforcement  
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14 Mark Allen *MA*  
15 Assistant General Counsel  
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17 Anne B. Robinson *ABR*  
18 Attorney  
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20 **SUBJECT:** MUR 7310 (Mark Takai for Congress, *et al.*)  
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22 **RE:** Circulation of Discovery Documents – Order and Subpoena to Mark Takai for  
23 Congress  
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26 Attached for the Commission’s approval is an order to submit written answers and  
27 subpoena to produce documents directed to Mark Takai for Congress and Dylan Beesley in his  
28 official capacity as treasurer (“Committee”). On June 4, 2019, the Commission voted to find  
29 reason to believe that the Committee, Lanakila Strategies LLC (“Lanakila”), and Dylan Beesley  
30 in his personal capacity (collectively, “Respondents”) violated 52 U.S.C. § 30114(b) by  
31 converting funds to personal use.<sup>1</sup> Beesley took over as Treasurer of the Committee after Takai  
32 passed away in July 2016 and continued to be paid \$5,759.16 per month through his firm,  
33 Lanakila, until the Complaint was filed in January 2018, despite the Committee apparently  
34 conducting very little business after 2016 and regularly paying another firm to file disclosure

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<sup>1</sup> Certification, MUR 7310 (Mark Takai for Congress, *et al.*) (June 5, 2019).

1 reports.<sup>2</sup> The Commission also approved the use of compulsory process.<sup>3</sup> We notified  
2 Respondents of the Commission’s findings and provided them with informal discovery requests.<sup>4</sup>  
3

4 We seek this subpoena because Mark Takai for Congress has resisted our requests for a  
5 complete response to the informal discovery requests. Respondents submitted a joint response to  
6 the discovery requests on August 15, 2019.<sup>5</sup> The written responses contained incomplete  
7 answers, and, although over 4,000 pages of documents were produced, all of the documents  
8 appear to have been produced by the treasurer, Dylan Beesley, and none by other employees and  
9 agents of the Committee. The informal discovery to the Committee requested “all documents  
10 related to the services performed by Lanakila Strategies and Dylan Beesley for Mark Takai for  
11 Congress,” but Respondents did not provide Committee documents and information from Mark  
12 Takai’s widow, Sami Takai, who is identified in documents as “Director” of the Committee.<sup>6</sup>  
13 Produced documents indicate that Ms. Takai authorized the Committee’s payments to Beesley.<sup>7</sup>  
14 Nor did the Committee produce documents from Gary Kai, who became “Deputy Treasurer” of  
15 the Committee and negotiated Beesley’s reduced rate of compensation after the Complaint was  
16 filed.<sup>8</sup> The documents produced so far suggest that Ms. Takai, Kai, and Beesley were involved  
17 in the decision of what to do with the Committee’s remaining funds.<sup>9</sup> Further, an employee of  
18 the Committee who worked with Beesley, Paula MacCutcheon, may have information or  
19 documents regarding the plans for the Committee during her tenure.  
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21 After reviewing the documents, we requested that the Committee supplement its  
22 responses to include documents and information from other employees and agents of the  
23 Committee. We specifically asked the Committee to produce information and documents from  
24 Ms. Takai, Kai, and MacCutcheon, as appropriate, as well as a privilege log for the documents  
25 they redacted under a claim of attorney-client privilege, but they have declined to do so.<sup>10</sup>

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<sup>2</sup> Factual & Legal Analysis at 2-5.

<sup>3</sup> Certification, MUR 7310 (Mark Takai for Congress, *et al.*) (June 5, 2019).

<sup>4</sup> Letter to Brian G. Svoboda, Counsel for Mark Takai for Congress, from Chair Ellen L. Weintraub (June 24, 2019); Letter to William Pittard, Counsel for Lanakila Strategies LLC and Dylan Beesley in his personal capacity, from Chair Ellen L. Weintraub (June 24, 2019).

<sup>5</sup> *See* Joint Document Production of Respondents (Aug. 15, 2019) (“Joint Production”) (containing many duplicate documents); Respondents’ Response to Requests for Written Answers and Production of Documents (Aug. 15, 2019) (characterizing the Joint Production as “over 800 additional documents”).

<sup>6</sup> *See* Joint Production at 2400 (letter to Bank of Hawai’i from Edward Dion Kaimihana, former Treasurer).

<sup>7</sup> *See, e.g.*, Joint Production at 4069-70, 3205-07 (Ms. Takai’s authorization of Beesley’s payments to himself).

<sup>8</sup> *See* Statement of Organization, Mark Takai for Congress (Jan. 24, 2018); Joint Production at 31-33 (emails between Kai and Beesley).

<sup>9</sup> *See, e.g.*, Joint Production at 3360-63 (emails between Mrs. Takai, Kai, and Beesley).

<sup>10</sup> Letter to Brian G. Svoboda and Shanna Reulbach, Counsel for Mark Takai for Congress, from Anne B. Robinson, FEC (Dec. 18, 2019); Letter to Mark Allen and Anne Robinson, FEC, Brian G. Svoboda and Shanna Reulbach, Counsel for Mark Takai for Congress (Feb. 11, 2020) (“Feb. 11 Letter”).

1 Instead, the Committee has cited its limited resources — despite transferring \$250,000 to the  
2 Mark K. Takai Foundation during the pendency of this matter — and “impair[ment] of its future  
3 defense.”<sup>11</sup> Thus, it is apparent that the Committee will not comply with our informal request for  
4 supplementation, which is necessary to adequately establish the factual record. Accordingly, we  
5 request that the Commission approve the attached subpoena. The proposed subpoena to the  
6 Committee defines “Mark Takai for Congress” as “Mark Takai for Congress and Dylan Beesley  
7 in his official capacity as treasurer, including any officers, employees, agents, consultants,  
8 representatives, or other individuals acting for or on its behalf,” thereby expressly covering the  
9 Committee documents not produced to date.<sup>12</sup>  
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<sup>11</sup> Feb. 11 Letter; *see also* Letter to Brian G. Svoboda and Shanna Reulbach, Counsel for Mark Takai for Congress, from Anne B. Robinson, FEC (Mar. 25, 2020). Most recently, we sent a supplementation request to the Committee on June 10, 2020, in light of the Commission regaining its quorum, with a 21-day deadline. *See* Letter to Brian G. Svoboda and Shanna Reulbach, Counsel for Mark Takai for Congress, from Anne B. Robinson, FEC (June 10, 2020). We have not received a response from the Committee and expect that they will not supplement based on the recent news that the Commission will soon lose its quorum.

<sup>12</sup> Order to Submit Written Answers and Subpoena to Produce Documents to Mark Takai for Congress at 3.