



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

May 16, 2022

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3 **TO:** The Commission
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5 **FROM:** Lisa J. Stevenson *LJS* by LC
6 Acting General Counsel
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8 Charles Kitcher *CK* by LC
9 Associate General Counsel for Enforcement
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11 Claudio J. Pavia *CP*
12 Deputy Associate General Counsel for Enforcement
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14 Mark Allen *MA*
15 Assistant General Counsel
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17 Laura Conley *LC*
18 Attorney
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20 **SUBJECT:** MUR 7310 (Mark Takai for Congress)
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22 **RE:** Office of General Counsel's Notice to the Commission
23 Following the Submission of Probable Cause Brief
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26 **I. INTRODUCTION**
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28 On April 8, 2022, the Office of General Counsel ("OGC") notified counsel for Mark
29 Takai for Congress and Dylan Beesley in his official capacity as treasurer (the "Committee"),
30 that it was prepared to recommend that the Commission find probable cause to believe that the
31 Committee violated 52 U.S.C. § 30114(b) by converting campaign funds to personal use in
32 connection with certain payments the Committee made to Dylan Beesley and Lanakila
33 Strategies, LLC ("Lanakila"), in 2017.¹ OGC's notification included a General Counsel's Brief
34 setting forth the factual and legal basis for the recommendation.² The Committee submitted a

¹ Letter from Laura Conley, Attorney, FEC, to Brian Svoboda, Counsel for the Committee (Apr. 8, 2022) (enclosing General Counsel's Brief).

² GC Br. (Mark Takai for Congress).

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OGC Notice

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1 Reply Brief on April 25, 2022, and requested a probable cause hearing.³ The Commission
2 granted the request for a hearing on April 26, 2022, and the hearing was held on May 10, 2022.⁴
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4 Pursuant to the *Agency Procedure Following the Submission of Probable Cause Briefs by*
5 *the Office of General Counsel*, 76 Fed. Reg. 63,570 (Oct. 13, 2011), OGC is hereby notifying the
6 Commission that it intends to proceed with the recommendation to find probable cause to believe
7 that the Committee violated the Federal Election Campaign Act of 1971, as amended, based on
8 the factual and legal analysis set forth in the General Counsel's Brief. A copy of this Notice is
9 being provided to the Committee at the same time that it is circulated to the Commission.
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11 For the reasons set forth in the General Counsel's Brief, the Commission should proceed
12 with finding probable cause to believe that the Committee converted campaign funds to personal
13 use in connection with payments it made to Beesley and Lanakila.
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15 **II. RECOMMENDATION**

16 Find probable cause to believe that Mark Takai for Congress and Dylan Beesley in his
17 official capacity as treasurer violated 52 U.S.C. § 30114(b) by converting campaign
18 funds to personal use.
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³ Reply Br. (April 25, 2022) (submitted jointly with Beesley and Lanakila).

⁴ Letter from Laura Conley, Attorney, FEC, to Brian Svoboda, Counsel for the Committee, and William Pittard, Counsel for Beesley and Lanakila (Apr. 29, 2022).