

FEDERAL ELECTION COMMISSION**FIRST GENERAL COUNSEL'S REPORT****MUR 7320**

DATE COMPLAINT FILED: February 14, 2018

DATE OF NOTIFICATION: February 16, 2018

DATE OF LAST RESPONSE: March 2, 2018

DATE ACTIVATED: May 22, 2018

ELECTION CYCLES: 2014 - 2018

EARLIEST SOL: January 1, 2018

LATEST SOL: June 25, 2023

COMPLAINANT:

Joseph Wendt

RESPONDENTS:

Libertarian Party of Miami-Dade

Libertarian Party of Florida and James C. Morris in
his official capacity as treasurer

Pierre Crevaux

Marcos Miralles

**RELEVANT STATUTES
AND REGULATIONS:**

52 U.S.C. § 30121(a), (b)

11 C.F.R. § 110.20(b), (c), (i)

INTERNAL REPORTS CHECKED:

Disclosure Reports

I. INTRODUCTION

The Complaint alleges that the Libertarian Party of Miami-Dade ("LPMD"), the Libertarian Party of Florida ("LPF"), and LPF Chairman Marcos Miralles violated the Federal Election Campaign Act of 1971, as amended (the "Act"), when a foreign national, Pierre Crevaux, participated in their election-related management and decision making. The Complaint further alleges that Crevaux contributed \$100 to LPMD, \$38 to a state candidate, and \$5 to LPF in violation of the Act's foreign national ban. Only LPF and Miralles responded to the Complaint; their responses indicate that LPF refunded Crevaux's \$5 contribution shortly after it

was made but do not address whether Crevaux is a foreign national or holds a decision-making role with LPMD or LPF.¹

We recommend that the Commission find reason to believe that (1) Pierre Crevaux, (2) the Libertarian Party of Miami-Dade, and (3) the Libertarian Party of Florida and James C. Morris in his official capacity as treasurer violated 52 U.S.C. § 30121(a) as a result of Crevaux's participation in decision-making regarding LPMD and LPF's election-related activity. We further recommend that the Commission take no action at this time as to whether Miralles violated 52 U.S.C. § 30121(a). Finally, we recommend that the Commission authorize the use of compulsory process, as necessary, in connection with an investigation of this matter.

II. FACTS

LPF is a state committee of a political party registered with both the Commission and with the state of Florida.² Marcos Miralles is the Chair of the LPF³ and, according to the Complaint, an LPMD board member.⁴ The record includes an undated communication from Crevaux in which he identifies himself as Chief of Staff to LPF Chairman Miralles.⁵ LPMD is a

¹ Neither LPMD nor Crevaux responded to the Complaint. Due to administrative oversight, the state candidate, Adrian Wyllie, who reported receiving the \$38 contribution from Crevaux was not notified of the Complaint. Due to the small potential amount in violation and the Wyllie campaign's apparent inactivity since the 2014 election, as evidenced from public information available from the Florida Division of Elections, we do not recommend that the Commission notify the Wyllie campaign. See FLORIDA DEPARTMENT OF STATE, *Division of Elections, Candidate Tracking System*, <http://dos.elections.myflorida.com/candidates/CanDetail.asp?account=60196> (last visited Sept. 18, 2018). We intend to send the campaign's last known address a letter advising it to disgorge the \$38 contribution from Crevaux.

² See Advisory Op. 2010-13 (LPF) (recognizing the LPF's state party committee status); FLORIDA DEPARTMENT OF STATE, *Committee Tracking System*, <http://dos.elections.myflorida.com/committees/ComDetail.asp?account=3402> (last visited Sept. 18, 2018).

³ Miralles Resp. (Mar. 2, 2018).

⁴ Compl. at 1.

⁵ *Id.* at 8.

1 local political committee registered in Miami-Dade County, Florida.⁶ LPMD's website states
 2 that Crevaux is its Executive Director, and "has been involved with the Libertarian Party since
 3 2012, managing several local campaigns and serving as the County Chair of the 2014 Adrian
 4 Wyllie for Governor campaign and the 2016 Gary Johnson for President campaign."⁷ It is
 5 unclear whether Crevaux serves in his positions at LPMD and LPF as a volunteer or a paid staff
 6 member.

7 The available information indicates that Crevaux is a foreign national.⁸ The record
 8 includes an email dated May 5, 2017, from Crevaux, in which he states that "I'm an immigrant.
 9 I'm still in the process of getting my paperwork done, and I'm a Libertarian volunteer."⁹ The
 10 record also includes an email from Miralles sent on October 13, 2017, in which he acknowledges
 11 the frustration some party members have with his Chief of Staff being an "undocumented
 12 immigrant."¹⁰

⁶ See MIAMI-DADE COUNTY, *Political Committees*, https://www.voterfocus.com/CampaignFinance/candidate_pr.php?c=miamidade&el=13&c=miamidade&el=13 (last visited June 28, 2018). LPMD has not reported any activity to the Commission or the Florida Division of Elections, but LPMD has reported financial receipts, in-kind contributions, and expenditures/disbursements to Miami-Dade County's Elections Department. In 2017, LPMD reported receipts of \$14,976.63 and disbursements of \$9,133.27. See MIAMI-DADE COUNTY, *Political Committees, Libertarian Party of Miami-Dade County*, https://www.voterfocus.com/CampaignFinance/candidate_pr.php?op=cv&e=13&c=miamidade&ca=1254&rellevel=3&committee=Y (last visited Sept. 18, 2018). From January 1, 2018, to August 23, 2018, LPMD reported LPMD reported receipts of \$533 and disbursements of \$1,793.19. See *id.*

⁷ See LIBERTARIAN PARTY OF MIAMI-DADE, *The Team*, <http://www.lpmdade.org/staff/> (last visited Sept. 18, 2018).

⁸ See *id.* at 1, 4-6. Although the record does not indicate the country of Crevaux's citizenship, Crevaux's Facebook lists "Paris, France" as his hometown. See Pierre-Alexander Crevaux, FACEBOOK (Aug. 16, 2018), <https://www.facebook.com/pierrealexandre.crevaux/about?l=1591410005%3A100003240624882%3A153443123>.

⁹ Compl. at 6.

¹⁰ *Id.* at 5.

The LPMD website sets forth LPMD's bylaws, which state that the Executive Director's responsibilities include:

- a. Overseeing the works of the standing committees;
- b. Assisting the officers with their respective duties;
- c. Helping executive committee members with their responsibilities and facilitating communications between executive committee members;
- d. Assigning membership to a standing committee for all precinct delegates that have not joined a standing committee within fifteen days of the beginning of the term of such precinct delegates;
- e. Serving as interim standing committee director in the event of a vacancy;
- f. Redacting some public records to protect essential secrecy of the affiliate's works;
- g. Providing rules on the request for proposal process for the procurement of goods and services;
- h. Appointing, at most, one precinct delegate to the convention committee;
- i. Serving on the committee of the whole; and
- j. Performing any other duties as assigned by the Chairperson or the Executive Committee.¹¹

The available information also indicates that Miralles, in his capacity as Chairman of LPF, appointed Crevaux as his Chief of Staff and granted him certain supervisory powers.¹²

¹¹ See *id.* at 3-4; BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE, https://docs.google.com/document/d/1kjVuGcADYn_fnyoXz23wLFkIia-1Esb9tIO0ETNzDSY/edit (last visited Aug. 16, 2018) (including, also, definitions of various terms).

¹² Compl. at 1, 5, 8.

Further, Crevaux made a \$100 contribution to the LPMD and a \$5 contribution to the LPF, which LPF refunded on the same day.¹³ The record includes a receipt from godaddy.com showing that Crevaux made a \$5 contribution,¹⁴ emails between officers and directors of LPF discussing Crevaux's foreign national status and the refund of the \$5 contribution.¹⁵

Miralles responded that the Complaint should be dismissed for failure to state sufficient facts necessary to find reason to believe.¹⁶ Miralles does not deny the Complaint's factual allegations.¹⁷ LPF's response asserts only that Crevaux's contribution was returned on the same day it was received; LPF's treasurer attached a receipt for the refund.¹⁸

III. ANALYSIS

The Act and Commission regulations prohibit a foreign national from making, directly or indirectly, a contribution or donation of money or other thing of value or an expenditure or disbursement in connection with a federal, state, or local election.¹⁹ The Act further prohibits persons from soliciting, accepting, or receiving a contribution or donation from a foreign

¹³ See *id.* at 12; MIAMI-DADE COUNTY, *Political Committees, Libertarian Party of Miami-Dade County, Q2 2017*, [https://www.voterfocus.com/CampaignFinance/candidate_pr.php?op=rp&e=13&c=miamidade&ca=1254&sdc=837&cname=+Libertarian+Party+of+Miami-Dade+County+&coffice=Party+Executive+Committee&rptdate=17Q2
\(4/1/2017 - 6/30/2017\)&rellevel=3&dhc=14315&committee=Y](https://www.voterfocus.com/CampaignFinance/candidate_pr.php?op=rp&e=13&c=miamidade&ca=1254&sdc=837&cname=+Libertarian+Party+of+Miami-Dade+County+&coffice=Party+Executive+Committee&rptdate=17Q2
(4/1/2017 - 6/30/2017)&rellevel=3&dhc=14315&committee=Y) (last visited Aug. 14, 2018) (evidencing that Crevaux made a \$100 contribution to LPMD). The Florida Department of Election campaign finance database does not appear to show Crevaux's attempted \$5 contribution to LPF.

¹⁴ Compl. at 11-13.

¹⁵ *Id.* at 14-15.

¹⁶ Resp. of Miralles.

¹⁷ *Id.*

¹⁸ Resp. of Libertarian Party of Fla. (Feb. 27, 2018).

¹⁹ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b), (c), (f).

national.²⁰ A “foreign national” includes an individual who is not a citizen of the United States or a national of the United States and who is not lawfully admitted for permanent residence.²¹ Section 110.20(i) of the Commission’s implementing regulations also provide that a “foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, such as a . . . political committee, or political organization with regard to such person’s Federal or non-Federal election-related activities.”²² This prohibition includes “decisions concerning the administration of a political committee.”²³

The Commission examined the parameters of section 110.20(i) in Advisory Opinion 2004-26 (Weller), in considering whether a candidate’s fiancée who was a foreign national could participate as a volunteer in activities, such as attending events and participating in meetings, of that candidate’s committees.²⁴ The Commission stated that the broad foreign national prohibition at section 110.20(i) “encompasses foreign national involvement in the management of any political committee, and its decisions regarding its receipts and disbursements in

²⁰ 52 U.S.C. § 30121(a)(2). The Commission’s regulations employ a “knowingly” standard here. 11 C.F.R. § 110.20(g). A person knowingly accepts a prohibited foreign national contribution or donation if that person has actual knowledge that funds originated from a foreign national, is aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the funds originated from a foreign national, or is aware of facts that would lead a reasonable person to inquire whether the funds originated from a foreign national but failed to conduct a reasonable inquiry. 11 C.F.R. § 110.20(a)(4). A treasurer has ten days to refund a receipt that presents a genuine question as to whether it was made by a foreign national. *See* 11 C.F.R. 103.3(b).

²¹ 52 U.S.C. § 30121(b)(2); 11 C.F.R. § 110.20(a)(3)(ii); *see also* 8 U.S.C. § 1101(a)(20) (defining “lawfully admitted for permanent residence”).

²² 11 C.F.R. § 110.20(i).

²³ *Id.* *See generally* MUR 6184 (Skyway Concession Company, LLC, *et al.*) (finding RTB that domestic corporation making state election donations using domestic funds had violated foreign national prohibition because of foreign national CEO’s participation in decision making, including in screening solicitations and signing checks).

²⁴ Advisory Op. 2004-26 at 1.

connection with Federal and non-Federal elections.”²⁵ The Commission thus concluded that while the foreign national could participate in the committees’ activities as a volunteer without making a prohibited contribution,²⁶ she “must not participate in [the candidate’s] decisions regarding his campaign activities” and “must refrain from managing or participating in the decisions of the Committees.”²⁷

Based on the description of his duties as LPMD’s Executive Director, it appears that Crevaux managed and participated in LPMD’s decisions, including those involving campaign activities. For example, according to LPMD’s by-laws, the Executive Director is responsible for overseeing the works of the standing committees, serving as interim director of those committees in the event of a vacancy, and appointing members to those committees.²⁸ LPMD’s bylaws provide for six standing committees, including an Elections Committee that will, among other things, seek libertarian candidates for office, assist those candidates who become libertarian nominees, and make proposals regarding LPMD’s official endorsements.²⁹ LMPD’s by-laws

²⁵ *Id.* at 2 (citing Contribution Limitations and Prohibitions, 67 Fed. Reg. 69928, 69946 (Nov. 19, 2002)).

²⁶ The Act and Commission regulations provide that “[t]he term ‘contribution’ does not include the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee.” 52 U.S.C. 30101(8)(B)(i); 11 C.F.R. § 100.74.

²⁷ Advisory Op. 2004-26 at 3; *see also* Advisory Op. 2002-02 (Gally) at 5 (stating that regulations prohibit participation by foreign nationals in decision-making process of political committee with regard to its election-related activities); Advisory Op. 1981-36 (Japan Business Association of Southern California) at 2 (concluding that no foreign national could dictate or direct the decisions of a trade association’s proposed political action committee); Advisory Op. 1978-21 (Budd Citizenship Committee) (concluding that political action committee of domestic corporation may continue to operate after corporation’s acquisition by subsidiary of foreign corporation, so long as individuals who exercise decision-making authority with respect to PAC activities are U.S. citizens or lawfully admitted permanent residents). In at least one prior enforcement matter, the Commission found no reason to believe where a complainant alleged, but the available information did not actually indicate, that a foreign national participated in a political committee’s decision-making process. *See* MUR 6959 (DNC & Cindy Nava), F&LA at 4-5 (Oct. 26, 2016).

²⁸ Compl. at 3.

²⁹ *See* BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE, Art. V, §§ 1, 4, *supra* note 11.

1 also state the Executive Director shall serve on the Committee of the Whole, which is
 2 responsible for deciding LPMD's mission.³⁰ Additionally, the LPMD Executive Director's
 3 duties include assisting LPMD's officers with *their* respective duties, which include, for the
 4 office of Treasurer, "collecting and maintaining all funds," signing checks, and preparing a
 5 budget.³¹ Such duties and responsibilities almost certainly contemplate the Executive Director
 6 participating in and making decisions about election-related activity.

7 Further, there is information that Crevaux is also be involved in decision-making for LPF
 8 in his role as Chief of Staff to LPF Chairman Miralles.³² While the currently available
 9 information does not detail the duties for this position, the record does indicate that the Chair is
 10 the top position within LPF.³³ Given Crevaux's position as Chief of Staff to LPF's Chairman, it
 11 is reasonable to infer that he participated in decisions regarding election activity or concerning
 12 the administration of the political committee, in violation of the Act. In fact, the record contains
 13 a communication from Crevaux, in his capacity as "Chief of Staff to the Chair," to "Regional
 14 Representatives" with instructions to acquire signatures from county-level affiliates in order to
 15 proceed with the Chair's "Operation: First Step" electoral strategy and an email from a
 16 "Regional Representative" expressing concern that a foreign national is involved in the
 17 committee's decision-making.³⁴

³⁰ See Compl. at 3; BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE, Art. V, § 10, *supra* note 11.

³¹ BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE, Art. IV, § 4, *supra* note 11.

³² See Compl. at 8.

³³ See LIBERTARIAN PARTY OF FLORIDA, *Officers*, <https://lpf.org/party/leadership/> (last visited Sept. 18, 2018).

³⁴ See Compl. at 8, 9.

Because it appears that Crevaux serves in positions for LPMD and LPF in which he was involved in the committees' management and decision-making, including that regarding election-related activity, there is reason to believe that Crevaux, LPMD, and LPF violated the Act's ban on foreign national contributions.³⁵

With respect to Crevaux's direct contributions, LPF apparently refunded Crevaux's \$5 contribution the same day, which is within the ten-day timeframe allowed for a treasurer to refund a foreign national contribution.³⁶ However, the available information provides reason to believe that Crevaux and LPMD violated the ban on foreign national contributions by making, and accepting, respectively, a \$100 contribution. Further, this contribution has not been refunded.³⁷

Based on the foregoing, we recommend that the Commission find reason to believe that Pierre Crevaux, the Libertarian Party of Miami-Dade, and the Libertarian Party of Florida and James C. Morris in his official capacity as treasurer violated 52 U.S.C. § 30121(a). We further recommend that the Commission take no action at this time to Miralles pending an investigation of this matter.

³⁵ See 52 U.S.C. § 30121(a); 11 C.F.R. § 110.20(i); Advisory Op. 2004-26 at 2; MUR 6184 (Skyway Concession Company, LLC, *et al.*). As noted above, Crevaux may have been involved with the Adrian Wyllie for Governor campaign and the 2016 Gary Johnson for President campaign among others, *see supra* at 3, but information about his activities with these committees is limited to the general statements on LPMD's website. As such, we make no recommendations as to any of the other political committees that Crevaux has apparently worked with but intend to determine the scope of Crevaux's participation in the election activities in an investigation if the Commission approves the recommendations in this report.

³⁶ See 11 C.F.R. 103.3(b).

³⁷ See Compl. at 12; MIAMI-DADE COUNTY, *Political Committees, Libertarian Party of Miami-Dade County, Q2 2017*, *supra* note 13.

IV. INVESTIGATION

The proposed investigation would confirm that Crevaux is a foreign national and inquire into the specifics of Crevaux's roles with LPMD and LPF, focusing on his involvement in the management of the committees and its decisions regarding its receipts and disbursements in connection with election activity. We will also determine whether Crevaux participated in the management or decision-making of other political committees. We recommend that the Commission authorize the use of compulsory process if necessary in the investigation.

V. RECOMMENDATIONS

1. Find reason to believe that Pierre Crevaux, the Libertarian Party of Miami-Dade, and the Libertarian Party of Florida and James C. Morris in his official capacity as treasurer violated 52 U.S.C. § 30121(a);
2. Take no action at this time as to whether Marcos Miralles violated 52 U.S.C. § 30121(a)(2);
3. Authorize the use of compulsory process, as necessary;
4. Approve the attached Factual and Legal Analyses; and

5. Approve the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

9/19/18
Date

Kathleen M. Guith
Kathleen M. Guith
Associate General Counsel for Enforcement

Mark Shonkwiler/kg
Mark Shonkwiler
Assistant General Counsel

Christopher L. Edwards
Christopher L. Edwards
Attorney

Attachments:

1. Factual and Legal Analysis (Pierre Crevaux)
2. Factual and Legal Analysis (Libertarian Party of Miami-Dade)
3. Factual and Legal Analysis (Libertarian Party of Florida)

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Pierre Crevaux MUR 7320

I. INTRODUCTION

The Complaint alleges that the Libertarian Party of Miami-Dade (“LPMD”), the Libertarian Party of Florida (“LPF”), and LPF Chairman Marcos Miralles violated the Federal Election Campaign Act of 1971, as amended (the “Act”), when a foreign national, Pierre Crevaux, participated in their election-related management and decision making. The Complaint further alleges that Crevaux contributed \$100 to LPMD, \$38 to a state candidate, and \$5 to LPF in violation of the Act’s foreign national ban.

II. FACTUAL AND LEGAL ANALYSIS**A. Factual Background**

LPF is a state committee of a political party registered with both the Commission and with the state of Florida.¹ Marcos Miralles is the Chair of the LPF and, according to the Complaint, an LPMD board member.³ The record includes an undated communication from Crevaux in which he identifies himself as Chief of Staff to LPF Chairman Miralles.⁴ LPMD is a local political committee registered in Miami-Dade County, Florida.⁵ LPMD’s website states

¹ See Advisory Op. 2010-13 (LPF) (recognizing the LPF’s state party committee status); FLORIDA DEPARTMENT OF STATE, *Committee Tracking System*, <http://dos.elections.myflorida.com/committees/ComDetail.asp?account=3402> (last visited Sept. 18, 2018).

²

³ Compl. at 1.

⁴ *Id.* at 8.

⁵ See MIAMI-DADE COUNTY, *Political Committees*, https://www.voterfocus.com/CampaignFinance/candidate_pr.php?c=miamidade&el=13&c=miamidade&el=13 (last visited June 28, 2018). LPMD has not reported any activity to the Commission or the Florida Division of Elections, but LPMD has reported financial receipts, in-kind contributions, and expenditures/disbursements to Miami-Dade County’s Elections Department. In 2017, LPMD reported receipts of \$14,976.63 and disbursements of \$9,133.27. See MIAMI-DADE COUNTY, *Political Committees, Libertarian Party of Miami-Dade County*,

that Crevaux is its Executive Director, and “has been involved with the Libertarian Party since 2012, managing several local campaigns and serving as the County Chair of the 2014 Adrian Wylie for Governor campaign and the 2016 Gary Johnson for President campaign.”⁶ It is unclear whether Crevaux serves in his positions at LPMD and LPF as a volunteer or a paid staff member.

The available information indicates that Crevaux is a foreign national.⁷ The record includes an email dated May 5, 2017, from Crevaux, in which he states that “I’m an immigrant. I’m still in the process of getting my paperwork done, and I’m a Libertarian volunteer.”⁸ The record also includes an email from Miralles sent on October 13, 2017, in which he acknowledges the frustration some party members have with his Chief of Staff being an “undocumented immigrant.”⁹

The LPMD website sets forth LPMD’s bylaws, which state that the Executive Director’s responsibilities include:

- a. Overseeing the works of the standing committees;
- b. Assisting the officers with their respective duties;
- c. Helping executive committee members with their responsibilities and facilitating communications between executive committee members;

https://www.voterfocus.com/CampaignFinance/candidate_pr.php?op=cv&e=13&c=miamidade&ca=1254&rellevel=3&committee=Y (last visited Sept. 18, 2018). From January 1, 2018, to August 23, 2018, LPMD reported LPMD reported receipts of \$533 and disbursements of \$1,793.19. *See id.*

⁶ *See* LIBERTARIAN PARTY OF MIAMI-DADE, *The Team*, <http://www.lpmdade.org/staff/> (last visited Sept. 18, 2018).

⁷ *See id.* at 1, 4-6. Although the record does not indicate the country of Crevaux’s citizenship, Crevaux’s Facebook lists “Paris, France” as his hometown. *See* Pierre-Alexander Crevaux, FACEBOOK (Aug. 16, 2018), <https://www.facebook.com/pierrealexandre.crevaux/about?lst=1591410005%3A100003240624882%3A1534431238>.

⁸ Compl. at 6.

⁹ *Id.* at 5.

- 1 d. Assigning membership to a standing committee for all precinct delegates
- 2 that have not joined a standing committee within fifteen days of the
- 3 beginning of the term of such precinct delegates;
- 4 e. Serving as interim standing committee director in the event of a vacancy;
- 5 f. Redacting some public records to protect essential secrecy of the affiliate's
- 6 works;
- 7 g. Providing rules on the request for proposal process for the procurement of
- 8 goods and services;
- 9 h. Appointing, at most, one precinct delegate to the convention committee;
- 10 i. Serving on the committee of the whole; and
- 11 j. Performing any other duties as assigned by the Chairperson or the
- 12 Executive Committee.¹⁰

13 The available information also indicates that Miralles, in his capacity as Chairman of
 14 LPF, appointed Crevaux as his Chief of Staff and granted him certain supervisory powers.¹¹
 15 Further, Crevaux made a \$100 contribution to the LPMD and a \$5 contribution to the LPF,
 16 which LPF refunded on the same day.¹² The record includes a receipt from godaddy.com
 17 showing that Crevaux made a \$5 contribution,¹³ emails between officers and directors of LPF
 18 discussing Crevaux's foreign national status and the refund of the \$5 contribution.¹⁴
 19

¹⁰ See *id.* at 3-4; BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE,
https://docs.google.com/document/d/1kjVuGcADYn_fnyoXz23wLFkIia-1Esb9tIO0ETNzDSY/edit (last visited
 Aug. 16, 2018) (including, also, definitions of various terms).

¹¹ Compl. at 1, 5, 8.

¹² See *id.* at 12; MIAMI-DADE COUNTY, *Political Committees, Libertarian Party of Miami-Dade County, Q2 2017*,
[https://www.voterfocus.com/CampaignFinance/candidate_pr.php?op=rp&e=13&c=miamidade&ca=1254&sdc=837&cname=+Libertarian+Party+of+Miami-Dade+County+&coffice=Party+Executive+Committee&rptdate=17Q2
\(4/1/2017 - 6/30/2017\)&rellevel=3&dhc=14315&committee=Y](https://www.voterfocus.com/CampaignFinance/candidate_pr.php?op=rp&e=13&c=miamidade&ca=1254&sdc=837&cname=+Libertarian+Party+of+Miami-Dade+County+&coffice=Party+Executive+Committee&rptdate=17Q2
(4/1/2017 - 6/30/2017)&rellevel=3&dhc=14315&committee=Y) (last visited Aug. 14, 2018) (evidencing that Crevaux made a \$100 contribution to LPMD). The Florida Department of Election campaign finance database does not appear to show Crevaux's attempted \$5 contribution to LPF.

¹³ Compl. at 11-13.

¹⁴ *Id.* at 14-15.

B. Legal Analysis

The Act and Commission regulations prohibit a foreign national from making, directly or indirectly, a contribution or donation of money or other thing of value or an expenditure or disbursement in connection with a federal, state, or local election.¹⁵ The Act further prohibits persons from soliciting, accepting, or receiving a contribution or donation from a foreign national.¹⁶ A “foreign national” includes an individual who is not a citizen of the United States or a national of the United States and who is not lawfully admitted for permanent residence.¹⁷ Section 110.20(i) of the Commission’s implementing regulations also provide that a “foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, such as a . . . political committee, or political organization with regard to such person’s Federal or non-Federal election-related activities.”¹⁸ This prohibition includes “decisions concerning the administration of a political committee.”¹⁹

The Commission examined the parameters of section 110.20(i) in Advisory Opinion 2004-26 (Weller), in considering whether a candidate’s fiancée who was a foreign national could participate as a volunteer in activities, such as attending events and participating in meetings, of

¹⁵ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b), (c), (f).

¹⁶ 52 U.S.C. § 30121(a)(2). The Commission’s regulations employ a “knowingly” standard here. 11 C.F.R. § 110.20(g). A person knowingly accepts a prohibited foreign national contribution or donation if that person has actual knowledge that funds originated from a foreign national, is aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the funds originated from a foreign national, or is aware of facts that would lead a reasonable person to inquire whether the funds originated from a foreign national but failed to conduct a reasonable inquiry. 11 C.F.R. § 110.20(a)(4). A treasurer has ten days to refund a receipt that presents a genuine question as to whether it was made by a foreign national. *See* 11 C.F.R. 103.3(b).

¹⁷ 52 U.S.C. § 30121(b)(2); 11 C.F.R. § 110.20(a)(3)(ii); *see also* 8 U.S.C. § 1101(a)(20) (defining “lawfully admitted for permanent residence”).

¹⁸ 11 C.F.R. § 110.20(i).

¹⁹ *Id.* *See generally* MUR 6184 (Skyway Concession Company, LLC, *et al.*) (finding RTB that domestic corporation making state election donations using domestic funds had violated foreign national prohibition because of foreign national CEO’s participation in decision making, including in screening solicitations and signing checks).

1 that candidate's committees.²⁰ The Commission stated that the broad foreign national
2 prohibition at section 110.20(i) "encompasses foreign national involvement in the management
3 of any political committee, and its decisions regarding its receipts and disbursements in
4 connection with Federal and non-Federal elections."²¹ The Commission thus concluded that
5 while the foreign national could participate in the committees' activities as a volunteer without
6 making a prohibited contribution,²² she "must not participate in [the candidate's] decisions
7 regarding his campaign activities" and "must refrain from managing or participating in the
8 decisions of the Committees."²³

9 Based on the description of his duties as LPMD's Executive Director, it appears that
10 Crevaux managed and participated in LPMD's decisions, including those involving campaign
11 activities. For example, according to LPMD's by-laws, the Executive Director is responsible for
12 overseeing the works of the standing committees, serving as interim director of those committees
13 in the event of a vacancy, and appointing members to those committees.²⁴ LPMD's bylaws
14 provide for six standing committees, including an Elections Committee that will, among other

²⁰ Advisory Op. 2004-26 at 1.

²¹ *Id.* at 2 (citing Contribution Limitations and Prohibitions, 67 Fed. Reg. 69928, 69946 (Nov. 19, 2002)).

²² The Act and Commission regulations provide that "[t]he term 'contribution' does not include the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee." 52 U.S.C. 30101(8)(B)(i); 11 C.F.R. § 100.74.

²³ Advisory Op. 2004-26 at 3; *see also* Advisory Op. 2002-02 (Gally) at 5 (stating that regulations prohibit participation by foreign nationals in decision-making process of political committee with regard to its election-related activities); Advisory Op. 1981-36 (Japan Business Association of Southern California) at 2 (concluding that no foreign national could dictate or direct the decisions of a trade association's proposed political action committee); Advisory Op. 1978-21 (Budd Citizenship Committee) (concluding that political action committee of domestic corporation may continue to operate after corporation's acquisition by subsidiary of foreign corporation, so long as individuals who exercise decision-making authority with respect to PAC activities are U.S. citizens or lawfully admitted permanent residents). In at least one prior enforcement matter, the Commission found no reason to believe where a complainant alleged, but the available information did not actually indicate, that a foreign national participated in a political committee's decision-making process. *See* MUR 6959 (DNC & Cindy Nava), F&LA at 4-5 (Oct. 26, 2016).

²⁴ Compl. at 3.

things, seek libertarian candidates for office, assist those candidates who become libertarian nominees, and make proposals regarding LPMD's official endorsements.²⁵ LMPD's by-laws also state the Executive Director shall serve on the Committee of the Whole, which is responsible for deciding LPMD's mission.²⁶ Additionally, the LPMD Executive Director's duties include assisting LPMD's officers with *their* respective duties, which include, for the office of Treasurer, "collecting and maintaining all funds," signing checks, and preparing a budget.²⁷ Such duties and responsibilities almost certainly contemplate the Executive Director participating in and making decisions about election-related activity.

Further, there is information that Crevaux is also be involved in decision-making for LPF in his role as Chief of Staff to LPF Chairman Miralles.²⁸ While the currently available information does not detail the duties for this position, the record does indicate that the Chair is the top position within LPF.²⁹ Given Crevaux's position as Chief of Staff to LPF's Chairman, it is reasonable to infer that he participated in decisions regarding election activity or concerning the administration of the political committee, in violation of the Act. In fact, the record contains a communication from Crevaux, in his capacity as "Chief of Staff to the Chair," to "Regional Representatives" with instructions to acquire signatures from county-level affiliates in order to proceed with the Chair's "Operation: First Step" electoral strategy and an email from a "Regional Representative" expressing concern that a foreign national is involved in the

²⁵ See BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE, Art. V, §§ 1, 4, *supra* note 10.

²⁶ See Compl. at 3; BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE, Art. V, § 10, *supra* note 10.

²⁷ BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE, Art. IV, § 4, *supra* note 10.

²⁸ See Compl. at 8.

²⁹ See LIBERTARIAN PARTY OF FLORIDA, *Officers*, <https://lpf.org/party/leadership/> (last visited Sept. 18, 2018).

1 committee's decision-making.³⁰

2 Because it appears that Crevaux serves in positions for LPMD and LPF in which he was
3 involved in the committees' management and decision-making, including that regarding
4 election-related activity, there is reason to believe that Crevaux violated the Act's ban on foreign
5 national contributions.³¹

6 With respect to Crevaux's direct contributions, LPF apparently refunded Crevaux's \$5
7 contribution the same day, which is within the ten-day timeframe allowed for a treasurer to
8 refund a foreign national contribution.³² However, the available information provides reason to
9 believe that Crevaux violated the ban on foreign national contributions by making a \$100
10 contribution. Further, this contribution has not been refunded.³³

11 Based on the foregoing, the Commission finds reason to believe that Pierre Crevaux
12 violated 52 U.S.C. § 30121(a).

³⁰ See Compl. at 8, 9.

³¹ See 52 U.S.C. § 30121(a); 11 C.F.R. § 110.20(i); Advisory Op. 2004-26 at 2; MUR 6184 (Skyway Concession Company, LLC, *et al.*)

³² See 11 C.F.R. 103.3(b).

³³ See Compl. at 12; MIAMI-DADE COUNTY, *Political Committees, Libertarian Party of Miami-Dade County, Q2 2017*, *supra* note 12.

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Libertarian Party of Miami-Dade MUR 7320

I. INTRODUCTION

The Complaint alleges that the Libertarian Party of Miami-Dade (“LPMD”) violated the Federal Election Campaign Act of 1971, as amended (the “Act”), when a foreign national, Pierre Crevaux, participated in their election-related management and decision making. The Complaint further alleges that Crevaux contributed \$100 to LPMD.

II. FACTUAL AND LEGAL ANALYSIS**A. Factual Background**

LPMD is a local political committee registered in Miami-Dade County, Florida.¹ LPMD’s website states that Crevaux is its Executive Director, and “has been involved with the Libertarian Party since 2012, managing several local campaigns and serving as the County Chair of the 2014 Adrian Wyllie for Governor campaign and the 2016 Gary Johnson for President campaign.”² It is unclear whether Crevaux serves in his position at LPMD as a volunteer or a paid staff member.

¹ See MIAMI-DADE COUNTY, *Political Committees*, https://www.voterfocus.com/CampaignFinance/candidate_pr.php?c=miamidade&el=13&c=miamidade&el=13 (last visited June 28, 2018). LPMD has not reported any activity to the Commission or the Florida Division of Elections, but LPMD has reported financial receipts, in-kind contributions, and expenditures/disbursements to Miami-Dade County’s Elections Department. In 2017, LPMD reported receipts of \$14,976.63 and disbursements of \$9,133.27. See MIAMI-DADE COUNTY, *Political Committees, Libertarian Party of Miami-Dade County*, https://www.voterfocus.com/CampaignFinance/candidate_pr.php?op=cv&e=13&c=miamidade&ca=1254&rellevel=3&committee=Y (last visited Sept. 18, 2018). From January 1, 2018, to August 23, 2018, LPMD reported LPMD reported receipts of \$533 and disbursements of \$1,793.19. See *id.*

² See LIBERTARIAN PARTY OF MIAMI-DADE, *The Team*, <http://www.lpmdade.org/staff/> (last visited Sept. 18, 2018).

1 The available information indicates that Crevaux is a foreign national.³ The record
2 includes an email dated May 5, 2017, from Crevaux, in which he states that “I’m an immigrant.
3 I’m still in the process of getting my paperwork done, and I’m a Libertarian volunteer.”⁴

4 The LPMD website sets forth LPMD’s bylaws, which state that the Executive Director’s
5 responsibilities include:

- 6 a. Overseeing the works of the standing committees;
- 7 b. Assisting the officers with their respective duties;
- 8 c. Helping executive committee members with their responsibilities and
- 9 facilitating communications between executive committee members;
- 10 d. Assigning membership to a standing committee for all precinct delegates
- 11 that have not joined a standing committee within fifteen days of the
- 12 beginning of the term of such precinct delegates;
- 13 e. Serving as interim standing committee director in the event of a vacancy;
- 14 f. Redacting some public records to protect essential secrecy of the affiliate’s
- 15 works;
- 16 g. Providing rules on the request for proposal process for the procurement of
- 17 goods and services;
- 18 h. Appointing, at most, one precinct delegate to the convention committee;
- 19 i. Serving on the committee of the whole; and
- 20 j. Performing any other duties as assigned by the Chairperson or the
- 21 Executive Committee.⁵

22 Further, Crevaux made a \$100 contribution to the LPMD.

23 B. Legal Analysis

24 The Act and Commission regulations prohibit a foreign national from making, directly or

³ See *id.* at 1, 4-6. Although the record does not indicate the country of Crevaux’s citizenship, Crevaux’s Facebook lists “Paris, France” as his hometown. See Pierre-Alexander Crevaux, FACEBOOK (Aug. 16, 2018), <https://www.facebook.com/pierrealexandre.crevaux/about?l=1591410005%3A100003240624882%3A1534431238>.

⁴ Compl. at 6.

⁵ See *id.* at 3-4; BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE, https://docs.google.com/document/d/1kjVuGcADYn_fnyoXz23wLFkIia-1Esb9tIO0ETNzDSY/edit (last visited Aug. 16, 2018) (including, also, definitions of various terms).

indirectly, a contribution or donation of money or other thing of value or an expenditure or disbursement in connection with a federal, state, or local election.⁶ The Act further prohibits persons from soliciting, accepting, or receiving a contribution or donation from a foreign national.⁷ A “foreign national” includes an individual who is not a citizen of the United States or a national of the United States and who is not lawfully admitted for permanent residence.⁸ Section 110.20(i) of the Commission’s implementing regulations also provide that a “foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, such as a . . . political committee, or political organization with regard to such person’s Federal or non-Federal election-related activities.”⁹ This prohibition includes “decisions concerning the administration of a political committee.”¹⁰

The Commission examined the parameters of section 110.20(i) in Advisory Opinion 2004-26 (Weller), in considering whether a candidate’s fiancée who was a foreign national could participate as a volunteer in activities, such as attending events and participating in meetings, of that candidate’s committees.¹¹ The Commission stated that the broad foreign national prohibition at section 110.20(i) “encompasses foreign national involvement in the management

⁶ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b), (c), (f).

⁷ 52 U.S.C. § 30121(a)(2). The Commission’s regulations employ a “knowingly” standard here. 11 C.F.R. § 110.20(g). A person knowingly accepts a prohibited foreign national contribution or donation if that person has actual knowledge that funds originated from a foreign national, is aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the funds originated from a foreign national, or is aware of facts that would lead a reasonable person to inquire whether the funds originated from a foreign national but failed to conduct a reasonable inquiry. 11 C.F.R. § 110.20(a)(4). A treasurer has ten days to refund a receipt that presents a genuine question as to whether it was made by a foreign national. *See* 11 C.F.R. 103.3(b).

⁸ 52 U.S.C. § 30121(b)(2); 11 C.F.R. § 110.20(a)(3)(ii); *see also* 8 U.S.C. § 1101(a)(20) (defining “lawfully admitted for permanent residence”).

⁹ 11 C.F.R. § 110.20(i).

¹⁰ *Id.* *See generally* MUR 6184 (Skyway Concession Company, LLC, *et al.*) (finding RTB that domestic corporation making state election donations using domestic funds had violated foreign national prohibition because of foreign national CEO’s participation in decision making, including in screening solicitations and signing checks).

¹¹ Advisory Op. 2004-26 at 1.

1 of any political committee, and its decisions regarding its receipts and disbursements in
 2 connection with Federal and non-Federal elections.”¹² The Commission thus concluded that
 3 while the foreign national could participate in the committees’ activities as a volunteer without
 4 making a prohibited contribution,¹³ she “must not participate in [the candidate’s] decisions
 5 regarding his campaign activities” and “must refrain from managing or participating in the
 6 decisions of the Committees.”¹⁴

7 Based on the description of his duties as LPMD’s Executive Director, it appears that
 8 Crevaux managed and participated in LPMD’s decisions, including those involving campaign
 9 activities. For example, according to LPMD’s by-laws, the Executive Director is responsible for
 10 overseeing the works of the standing committees, serving as interim director of those committees
 11 in the event of a vacancy, and appointing members to those committees.¹⁵ LPMD’s bylaws
 12 provide for six standing committees, including an Elections Committee that will, among other
 13 things, seek libertarian candidates for office, assist those candidates who become libertarian
 14 nominees, and make proposals regarding LPMD’s official endorsements.¹⁶ LMPD’s by-laws

¹² *Id.* at 2 (citing Contribution Limitations and Prohibitions, 67 Fed. Reg. 69928, 69946 (Nov. 19, 2002)).

¹³ The Act and Commission regulations provide that “[t]he term ‘contribution’ does not include the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee.” 52 U.S.C. 30101(8)(B)(i); 11 C.F.R. § 100.74.

¹⁴ Advisory Op. 2004-26 at 3; *see also* Advisory Op. 2002-02 (Gally) at 5 (stating that regulations prohibit participation by foreign nationals in decision-making process of political committee with regard to its election-related activities); Advisory Op. 1981-36 (Japan Business Association of Southern California) at 2 (concluding that no foreign national could dictate or direct the decisions of a trade association’s proposed political action committee); Advisory Op. 1978-21 (Budd Citizenship Committee) (concluding that political action committee of domestic corporation may continue to operate after corporation’s acquisition by subsidiary of foreign corporation, so long as individuals who exercise decision-making authority with respect to PAC activities are U.S. citizens or lawfully admitted permanent residents). In at least one prior enforcement matter, the Commission found no reason to believe where a complainant alleged, but the available information did not actually indicate, that a foreign national participated in a political committee’s decision-making process. *See* MUR 6959 (DNC & Cindy Nava), F&LA at 4-5 (Oct. 26, 2016).

¹⁵ Compl. at 3.

¹⁶ *See* BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE, Art. V, §§ 1, 4, *supra* note 5.

1 also state the Executive Director shall serve on the Committee of the Whole, which is
2 responsible for deciding LPMD's mission.¹⁷ Additionally, the LPMD Executive Director's
3 duties include assisting LPMD's officers with *their* respective duties, which include, for the
4 office of Treasurer, "collecting and maintaining all funds," signing checks, and preparing a
5 budget.¹⁸ Such duties and responsibilities almost certainly contemplate the Executive Director
6 participating in and making decisions about election-related activity.

7 Because it appears that Crevaux serves in a position for LPMD in which he was involved
8 in the committee's management and decision-making, including that regarding election-related
9 activity, there is reason to believe that LPMD violated the Act's ban on foreign national
10 contributions.¹⁹

11 The available information further provides reason to believe that LPMD violated the ban
12 on foreign national contributions by accepting a \$100 contribution. Further, this contribution has
13 not been refunded.²⁰

14 Based on the foregoing, the Commission finds reason to believe that Libertarian Party of
15 Miami-Dade violated 52 U.S.C. § 30121(a).

¹⁷ See Compl. at 3; BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE, Art. V, § 10, *supra* note 5.

¹⁸ BY-LAWS OF THE LIBERTARIAN PARTY OF MIAMI-DADE, Art. IV, § 4, *supra* note 5.

¹⁹ See 52 U.S.C. § 30121(a); 11 C.F.R. § 110.20(i); Advisory Op. 2004-26 at 2; MUR 6184 (Skyway Concession Company, LLC, *et al.*)

²⁰ See Compl. at 12; MIAMI-DADE COUNTY, *Political Committees, Libertarian Party of Miami-Dade County, Q2 2017*, *supra* note 1.

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Libertarian Party of Florida and MUR 7320
James C. Morris in his official capacity as treasurer

I. INTRODUCTION

The Complaint alleges that the Libertarian Party of Florida (“LPF”) and LPF Chairman Marcos Miralles violated the Federal Election Campaign Act of 1971, as amended (the “Act”), when a foreign national, Pierre Crevaux, participated in their election-related management and decision making. The Complaint further alleges that Crevaux contributed \$5 to LPF in violation of the Act’s foreign national ban.

II. FACTUAL AND LEGAL ANALYSIS**A. Factual Background**

LPF is a state committee of a political party registered with both the Commission and with the state of Florida.¹ Marcos Miralles is the Chair of the LPF and, according to the Complaint, an LPMD board member.³ The record includes an undated communication from Crevaux in which he identifies himself as Chief of Staff to LPF Chairman Miralles.⁴ It is unclear whether Crevaux serves in his positions at LPF as a volunteer or a paid staff member.

The available information indicates that Crevaux is a foreign national.⁵ The record includes an email dated May 5, 2017, from Crevaux, in which he states that “I’m an immigrant.

¹ See Advisory Op. 2010-13 (LPF) (recognizing the LPF’s state party committee status); FLORIDA DEPARTMENT OF STATE, *Committee Tracking System*, <http://dos.elections.myflorida.com/committees/ComDetail.asp?account=3402> (last visited Sept. 18, 2018).

³ Compl. at 1.

⁴ *Id.* at 8.

⁵ See *id.* at 1, 4-6. Although the record does not indicate the country of Crevaux’s citizenship, Crevaux’s Facebook lists “Paris, France” as his hometown. See Pierre-Alexander Crevaux, FACEBOOK (Aug. 16, 2018),

I'm still in the process of getting my paperwork done, and I'm a Libertarian volunteer.”⁶ The record also includes an email from Miralles sent on October 13, 2017, in which he acknowledges the frustration some party members have with his Chief of Staff being an “undocumented immigrant.”⁷

The available information also indicates that Miralles, in his capacity as Chairman of LPF, appointed Crevaux as his Chief of Staff and granted him certain supervisory powers.⁸ Further, Crevaux made a \$5 contribution to the LPF, which LPF refunded on the same day.⁹ The record includes a receipt from godaddy.com showing that Crevaux made a \$5 contribution,¹⁰ emails between officers and directors of LPF discussing Crevaux's foreign national status and the refund of the \$5 contribution.¹¹ LPF's response asserts only that Crevaux's contribution was returned on the same day it was received; LPF's treasurer attached a receipt for the refund.¹²

<https://www.facebook.com/pierrealexandre.crevaux/about?lst=1591410005%3A100003240624882%3A1534431238>.

⁶ Compl. at 6.

⁷ *Id.* at 5.

⁸ *Id.* at 1, 5, 8.

⁹ *See id.* at 12; MIAMI-DADE COUNTY, *Political Committees, Libertarian Party of Miami-Dade County, Q2 2017*, [https://www.voterfocus.com/CampaignFinance/candidate_pr.php?op=rp&e=13&c=miamidade&ca=1254&sdc=837&cname=+Libertarian+Party+of+Miami-Dade+County+&coffice=Party+Executive+Committee&rptdate=17Q2
\(4/1/2017 - 6/30/2017\)&rellevel=3&dhc=14315&committee=Y](https://www.voterfocus.com/CampaignFinance/candidate_pr.php?op=rp&e=13&c=miamidade&ca=1254&sdc=837&cname=+Libertarian+Party+of+Miami-Dade+County+&coffice=Party+Executive+Committee&rptdate=17Q2
(4/1/2017 - 6/30/2017)&rellevel=3&dhc=14315&committee=Y) (last visited Aug. 14, 2018) (evidencing that Crevaux made a \$100 contribution to LPMD). The Florida Department of Election campaign finance database does not appear to show Crevaux's attempted \$5 contribution to LPF.

¹⁰ Compl. at 11-13.

¹¹ *Id.* at 14-15.

¹² Resp. of Libertarian Party of Fla. (Feb. 27, 2018).

B. Legal Analysis

The Act and Commission regulations prohibit a foreign national from making, directly or indirectly, a contribution or donation of money or other thing of value or an expenditure or disbursement in connection with a federal, state, or local election.¹³ The Act further prohibits persons from soliciting, accepting, or receiving a contribution or donation from a foreign national.¹⁴ A “foreign national” includes an individual who is not a citizen of the United States or a national of the United States and who is not lawfully admitted for permanent residence.¹⁵ Section 110.20(i) of the Commission’s implementing regulations also provide that a “foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, such as a . . . political committee, or political organization with regard to such person’s Federal or non-Federal election-related activities.”¹⁶ This prohibition includes “decisions concerning the administration of a political committee.”¹⁷

The Commission examined the parameters of section 110.20(i) in Advisory Opinion 2004-26 (Weller), in considering whether a candidate’s fiancée who was a foreign national could participate as a volunteer in activities, such as attending events and participating in meetings, of

¹³ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b), (c), (f).

¹⁴ 52 U.S.C. § 30121(a)(2). The Commission’s regulations employ a “knowingly” standard here. 11 C.F.R. § 110.20(g). A person knowingly accepts a prohibited foreign national contribution or donation if that person has actual knowledge that funds originated from a foreign national, is aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the funds originated from a foreign national, or is aware of facts that would lead a reasonable person to inquire whether the funds originated from a foreign national but failed to conduct a reasonable inquiry. 11 C.F.R. § 110.20(a)(4). A treasurer has ten days to refund a receipt that presents a genuine question as to whether it was made by a foreign national. *See* 11 C.F.R. 103.3(b).

¹⁵ 52 U.S.C. § 30121(b)(2); 11 C.F.R. § 110.20(a)(3)(ii); *see also* 8 U.S.C. § 1101(a)(20) (defining “lawfully admitted for permanent residence”).

¹⁶ 11 C.F.R. § 110.20(i).

¹⁷ *Id.* *See generally* MUR 6184 (Skyway Concession Company, LLC, *et al.*) (finding RTB that domestic corporation making state election donations using domestic funds had violated foreign national prohibition because of foreign national CEO’s participation in decision making, including in screening solicitations and signing checks).

1 that candidate's committees.¹⁸ The Commission stated that the broad foreign national
 2 prohibition at section 110.20(i) "encompasses foreign national involvement in the management
 3 of any political committee, and its decisions regarding its receipts and disbursements in
 4 connection with Federal and non-Federal elections."¹⁹ The Commission thus concluded that
 5 while the foreign national could participate in the committees' activities as a volunteer without
 6 making a prohibited contribution,²⁰ she "must not participate in [the candidate's] decisions
 7 regarding his campaign activities" and "must refrain from managing or participating in the
 8 decisions of the Committees."²¹

9 There is information that Crevaux is involved in decision-making for LPF in his role as
 10 Chief of Staff to LPF Chairman Miralles.²² While the currently available information does not
 11 detail the duties for this position, the record does indicate that the Chair is the top position within
 12 LPF.²³ Given Crevaux's position as Chief of Staff to LPF's Chairman, it is reasonable to infer
 13 that he participated in decisions regarding election activity or concerning the administration of

¹⁸ Advisory Op. 2004-26 at 1.

¹⁹ *Id.* at 2 (citing Contribution Limitations and Prohibitions, 67 Fed. Reg. 69928, 69946 (Nov. 19, 2002)).

²⁰ The Act and Commission regulations provide that "[t]he term 'contribution' does not include the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee." 52 U.S.C. 30101(8)(B)(i); 11 C.F.R. § 100.74.

²¹ Advisory Op. 2004-26 at 3; *see also* Advisory Op. 2002-02 (Gally) at 5 (stating that regulations prohibit participation by foreign nationals in decision-making process of political committee with regard to its election-related activities); Advisory Op. 1981-36 (Japan Business Association of Southern California) at 2 (concluding that no foreign national could dictate or direct the decisions of a trade association's proposed political action committee); Advisory Op. 1978-21 (Budd Citizenship Committee) (concluding that political action committee of domestic corporation may continue to operate after corporation's acquisition by subsidiary of foreign corporation, so long as individuals who exercise decision-making authority with respect to PAC activities are U.S. citizens or lawfully admitted permanent residents). In at least one prior enforcement matter, the Commission found no reason to believe where a complainant alleged, but the available information did not actually indicate, that a foreign national participated in a political committee's decision-making process. *See* MUR 6959 (DNC & Cindy Nava), F&LA at 4-5 (Oct. 26, 2016).

²² *See* Compl. at 8.

²³ *See* LIBERTARIAN PARTY OF FLORIDA, *Officers*, <https://lpf.org/party/leadership/> (last visited Sept. 18, 2018).

1 the political committee, in violation of the Act. In fact, the record contains a communication
2 from Crevaux, in his capacity as “Chief of Staff to the Chair,” to “Regional Representatives”
3 with instructions to acquire signatures from county-level affiliates in order to proceed with the
4 Chair’s “Operation: First Step” electoral strategy and an email from a “Regional Representative”
5 expressing concern that a foreign national is involved in the committee’s decision-making.²⁴

6 Because it appears that Crevaux serves in positions for LPF in which he was involved in
7 the committee’s management and decision-making, including that regarding election-related
8 activity, there is reason to believe that LPF violated the Act’s ban on foreign national
9 contributions.²⁵

10 Based on the foregoing, the Commission finds reason to believe that the Libertarian Party
11 of Florida and James C. Morris in his official capacity as treasurer violated 52 U.S.C.
12 § 30121(a).

²⁴ See Compl. at 8, 9.

²⁵ See 52 U.S.C. § 30121(a); 11 C.F.R. § 110.20(i); Advisory Op. 2004-26 at 2; MUR 6184 (Skyway Concession Company, LLC, *et al.*).