

BEFORE THE FEDERAL ELECTION COMMISSION

4 In the Matter of)
5)
6 Libertarian Party of Miami Dade)
7 Libertarian Party of Florida and)
8 Richard Perez in his official) MUR 7320
9 capacity as treasurer¹)
10 Marcos Miralles)
11 Pierre Crevaux)

SECOND GENERAL COUNSEL'S REPORT

14 I. ACTIONS RECOMMENDED

15 We recommend that the Commission take no further action against Libertarian Party of
16 Miami Dade (“LPMD”), but instruct it as to its obligation to refund or disgorge a \$100
17 prohibited contribution it received from Pierre Crevaux; take no further action against Libertarian
18 Party of Florida and Richard Perez in his official capacity as treasurer (“LPF”); take no further
19 action as to Pierre Crevaux; dismiss the allegations as to Marcos Miralles; and close the file.

20 II. BACKGROUND

21 This matter concerns allegations that a foreign national named Pierre Crevaux served as
22 an officer of, participated in the management of, and made small contributions to LPMD and
23 LPF between 2015 and 2018. Crevaux, who has not responded to inquiries in this investigation,
24 appears to have left the United States in December 2018 and now works in Tbilisi, Georgia. On
25 July 11, 2019, the Commission found reason to believe that Crevaux, LPMD, and LPF violated
26 52 U.S.C. § 30121(a) and took no action at that time as to former LPF Chair Marcos Miralles.²

¹ James Morris was LPF's treasurer at the time of the reason-to-believe findings in 2019. Richard Perez became LPF's current treasurer this year. *See* LPF Statement of Organization (Mar. 9, 2022).

² Certification (July 15, 2019).

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 2 of 14

1 The investigation revealed that Crevaux, who was born in Paris, France, began
 2 volunteering on a part-time basis for LPMD and LPF while he was a high school student in the
 3 Miami-Dade County area. Although Crevaux held himself out to the public as LPMD's
 4 "Executive Director" (2015-2018) and "Chief of Staff" to the LPF Party Chair (2017-2018), he
 5 appears never to have held any actual office or management position or exercised any decision-
 6 making authority with either committee. Additionally, Crevaux's contributions to these political
 7 committees appears to have been limited to those identified in the Complaint: \$100 to LPMD,
 8 \$5 to LPF, and \$38.88 to a state candidate.³ Because Crevaux's \$100 contribution to LPMD was
 9 never returned and constitutes an illegal foreign national contribution, we recommend that the
 10 Commission's closing letter instruct LPMD to refund or disgorge this contribution.⁴ Our
 11 recommendation to take no further action and close the matter is based on the findings of the
 12 investigation detailed below.

13 **III. RESULTS OF INVESTIGATION**

14 Although Crevaux did not submit a response to the reason-to-believe notification,⁵
 15 LPMD and LPF cooperated by answering written questions and producing relevant documents

³ Compl. at 1 (Feb. 14, 2018).

⁴ As stated in the First General Counsel's Report, upon the closing of this matter, this Office will also send a letter to the campaign of former state candidate Adrian Wyllie informing it of the discovered violation. *See* First Gen. Counsel's Rpt. at 2 n.1. The letter will advise the Wyllie campaign to refund the \$38.88 prohibited contribution it received from Crevaux, or, alternatively if it wishes, to disgorge the prohibited contribution to the U.S. Treasury. *See* Advisory Opinion 1996-05 at 3 (Kim) (noting that as an alternative to making a refund the committee may pay the funds to the United States Treasury).

⁵ Crevaux's reason-to-believe notification was sent to an address in the country of Georgia where he now works as a "Specialist" and "social media manager" for the "Presidential Administration of Georgia." *See* Pierre-Alexandre Crevaux, LINKEDIN, <https://ge.linkedin.com/in/pierre-alexandre-crevaux-7a4409181> (last visited May 3, 2022) [hereinafter Crevaux LinkedIn Profile]. Crevaux also did not respond to the notification of the Complaint in this matter. *See* Compl. Notif. Letter to Pierre Crevaux (Feb. 16, 2018) (sent to Crevaux's then-current Florida address).

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 3 of 14

1 relating to Crevaux's role with each committee.⁶ This Office also interviewed and obtained a
 2 written declaration from former LPF Chair Marcos Miralles.⁷ In response to the reason-to-
 3 believe findings in this matter, LPMD and LPF (collectively, the "Committees") conducted an
 4 internal investigation to ascertain the scope of their violations of the Act.⁸ Based on information
 5 provided by the Committees and publicly available information, it appears that Crevaux was a
 6 foreign national, and that questions about his alleged lack of U.S. citizenship were brought to
 7 both Committees' attention prior to his departure in 2018. However, the Committees describe
 8 Crevaux's role as that of a volunteer with no decision-making authority at either committee.
 9 While LPMD and LPF acknowledge receipt of small contributions from Crevaux, they assert that
 10 they did not knowingly violate the law.⁹

11 The available information confirms the Commission's reason-to-believe finding that
 12 Crevaux was a foreign national when he volunteered for the Committees. In addition to his
 13 LinkedIn profile, Crevaux's personal Twitter account also states that he is "French-born,
 14 America-raised Georgian in Tbilisi."¹⁰ The Committees explain that they did "not know the

⁶ Email from LPF to Wanda Brown, Att'y, FEC (Oct. 18, 2019, 4:18 PM EST) [hereinafter LPF RTB Resp. (attaching response to reason-to-believe finding and discovery); Email from LPMD to Wanda Brown, Att'y, FEC (Dec. 2, 2019, 1:26 PM EST) [hereinafter LPMD RTB Resp.] (joining in LPF's response). LPMD's one-page Response states that its officers participated in LPF's investigation and asks the Commission to "recognize the response from the LPF as also representing the position of the LPMD." LPMD Resp. at 1. Therefore, references to statements made in the LPF RTB Response in this report will be attributed to both Committees.

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⁸ LPF RTB Resp.; LPMD RTB Resp.

⁹ LPF RTB Resp. at 1, 7.

¹⁰ Alexandre Crevaux-Asatiani (@CrevauxAsatiani), TWITTER, <https://twitter.com/CrevauxAsatiani> (last visited May 3, 2022). Crevaux also appears to be known as "Pierre-Alexandre Crevaux." See Pierre-Alexandre Crevaux, LPEDIA, https://lpedia.org/wiki/Pierre-Alexandre_Crevaux (last visited May 3, 2022); Alexandre Crevaux-Asatiani (@CrevauxAsatiani), TWITTER (Feb. 11, 2021, 4:33 AM), <https://twitter.com/CrevauxAsatiani/status/1359797704528977920?s=20> (linking to an op-ed Crevaux wrote under the name "Pierre-Alexandre Crevaux"). Publicly available information also indicates that during the time Crevaux lived in Florida, he shared an address with an individual named "Irene Assatiani," who frequently retweets

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 4 of 14

1 exact immigration status or country of origin of Crevaux” but acknowledged that Crevaux’s
 2 Facebook page reflects that “he claims to be born in France with lineage in Georgia.”¹¹
 3 Crevaux’s foreign national status is further substantiated by an email attached to the Complaint
 4 in which Crevaux himself acknowledged that he was “an immigrant” and “still in the process of
 5 getting [his] paperwork done.”¹² Likewise, emails sent by LPF staff members recognized that
 6 Crevaux had a “presumed status of a foreign national” and expressed concern about possible
 7 legal implications of accepting a contribution from someone in that status.¹³ When Crevaux
 8 sought to become LPMD’s Vice Chair, he was unable to establish his eligibility because he could
 9 not confirm his LPF voter registration with the state of Florida.¹⁴

10 Crevaux claimed to have held the position of “Chief of Staff to [the] Chairman” of LPF
 11 from May 2017 through December 2018 and of “Executive Director” of LPMD from 2015
 12 through December 2018.¹⁵ Crevaux’s LinkedIn profile states that in those positions he was “[i]n
 13 charge of implementing the electoral, communications, fundraising, and membership plans of the
 14 Chairman of the Florida branch of the Libertarian National Committee,” and was “[i]n charge of
 15 day-to-day operations, lobbying, and fundraising for the Miami-Dade County chapter of the

Crevaux’s tweets. *See, e.g.*, Irene [A]ssatiani (@IAssatiani), TWITTER, <https://twitter.com/IAssatiani> (last visited May 3, 2022) (retweeting Crevaux’s tweets dated July 19, 2021, June 15, 2021, February 28, 2021, and February 22, 2021).

¹¹ LPF RTB Resp. at 3.

¹² Compl. at 6 (including email from Crevaux dated May 5, 2017).

¹³ Compl. at 14; *see also id.* at 15 (indicating that Crevaux tried to explain that his \$5 contribution to LPF was “actually from a relative that is a US citizen,” implying that he did not have such a status).

¹⁴ LPF RTB Resp. at 3-4.

¹⁵ *See* Crevaux LinkedIn Profile; *see also*, Pierre-Alexandre Crevaux, LPedia, https://lpedia.org/wiki/Pierre-Alexandre_Crevaux (last visited May 3, 2022) (describing Crevaux’s positions with LPF and LPMD to include membership in their Executive Committees).

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 5 of 14

1 Libertarian National Committee, the third largest political party in the fourth largest county of
 2 the United States.”¹⁶

3 According to LPF and LPMD, however, Crevaux was actually only a volunteer who
 4 began attending LPMD meetings in 2012 or 2013 while he was still a teenager in high school
 5 and never held an official position.¹⁷ The Committees explain that LPF is “strictly a volunteer-
 6 based organization” and does not allow any non-executive committee members to hold
 7 management positions.¹⁸ Further, according to LPF’s constitution and LPMD’s bylaws, in order
 8 to hold a leadership position, obtain membership, and exercise voting rights with either
 9 committee, individuals need to be registered LPF voters in the state of Florida, or be a “qualified
 10 voter” with the Libertarian Party in Miami-Dade County in the case of LPMD.¹⁹ The
 11 Committees state that because “[n]o foreign national without proper naturalization and
 12 documentation can meet [the leadership position] requirements, thus our strictly enforced rules
 13 for membership prevent foreign nationals from participating in our leadership structure.”²⁰
 14 Miralles likewise asserts that Crevaux was just a volunteer and did not hold an official staff
 15 position.²¹

16 The Committees also assert that there was no “Chief of Staff” position with LPF at the
 17 relevant time and that Crevaux “claimed for himself to have a title that didn’t officially exist and

¹⁶ See Crevaux LinkedIn Profile.

¹⁷ LPF RTB Resp. at 3-4; Miralles Decl. ¶ 4.

¹⁸ LPF RTB Resp. at 4-5.

¹⁹ LPF RTB Resp. at 17-22 (attaching LPMD Constitution 2018); *id.* at 25-40 (attaching Laws of the Miami-Dade County Libertarian Executive Committee); *id.* at 41-45 (attaching Constitution of the Libertarian Executive Committee of Miami-Dade County); *id.* at 46-59 (attaching LPF Constitution).

²⁰ LPF RTB Resp. at 8.

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MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 6 of 14

1 wasn't authorized or recognized by the LPF.”²² Indeed, in a social media post attached to the
 2 Complaint, Crevaux himself appears to acknowledge that he was “never appointed” to the Chief
 3 of Staff position.²³ The Committees acknowledge, however, that former LPF Chair Miralles
 4 “may have allowed Crevaux to call himself by that unofficial title in at least one instance,” based
 5 on an email from Miralles that was attached to the Complaint.²⁴ Likewise, Crevaux never held
 6 an official position with LPMD but rather, in 2014, he was “accidentally elected LPMD Vice
 7 Chairman and subsequently resign[ed]” after he could not provide evidence of his eligibility.²⁵
 8 Crevaux apparently resigned after just a few minutes due to his ineligibility.²⁶ Miralles stated
 9 that he did not know why Crevaux held himself out as his Chief of Staff or as LPMD’s Executive
 10 Director.²⁷

11 With regard to soliciting contributions, the Committees assert that LPF’s Fundraising
 12 Committee was specifically comprised of “eligible members” and a paid fundraising director,
 13 and “Crevaux was neither a member nor a volunteer in the LPF Fundraising Committee” and
 14 “was not authorized by the LPF [Executive Committee] to conduct any fundraising activity.”²⁸
 15 Likewise, they state that Crevaux had no authority “in determining, administrating, or managing
 16 LPF expenditures of any kind.”²⁹ The Committees state their investigation uncovered only one

²² LPF RTB Resp. at 6. In 2017, then-Chair Miralles moved to amend LPF’s rules to create staff positions and allow the committee officers to convert volunteers to staff positions, which would have allowed him to hire Crevaux as a staff member, but that motion apparently failed to garner enough support. *Id.* at 6, 13-14, 74-75 (attaching LPF August 20, 2017 Meeting Minutes).

²³ Compl. at 7.

²⁴ LPF RTB Resp. at 6; Compl. at 5.

²⁵ LPF RTB Resp. at 3-4, 6, 8.

²⁶ *Id.* at 4.

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²⁸ LPF RTB Resp. at 5.

²⁹ *Id.* at 6.

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 7 of 14

1 instance in which Crevaux handled money, which occurred when an LPMD supporter “handed a
 2 check to Crevaux for printing flyers and posters” but Crevaux then gave the check to LPMD’s
 3 treasurer.³⁰ Therefore, the Committees contend Crevaux did not hold a decision-making or
 4 management role with either of the Committees, or appear to have any duties in connection with
 5 LPF or LPMD’s fundraising. Instead, the Committees characterize Crevaux’s role as that of “an
 6 unofficial, unrecognized, volunteer with no authority acting under the direction of authorized
 7 individuals in some day-to-day activities and carrying out directives from authorized projects.”³¹
 8 The Committees assert that from 2016 to 2018, “Crevaux assisted LPF Chair Miralles in day-to-
 9 day tasks with no official title or authorization from the LPF Executive Committee.”³²

10 Additionally, Crevaux served as an “unofficial volunteer to the LPF Candidate
 11 Committee, with no voting rights” and was “supervised and carried out directives” by the Chair,
 12 which included “assembling meeting agendas, sending out emails to potential candidates, as well
 13 as creating maps of addresses of registered Libertarians.”³³ The Committees state that with
 14 regard to LPMD, Crevaux was “active in assembling the agenda, reminding people to come to
 15 meetings and encouraging newcomers to attend . . . and also sent a summary of the local news
 16 daily to [the Chair].”³⁴ LPMD’s meeting minutes further support the assertion that Crevaux did
 17 not exercise a management role: None of the meeting minutes provided by Respondents show

³⁰ *Id.* at 5.

³¹ *Id.* at 8-9.

³² LPF RTB Resp. at 4 (noting that Crevaux’s position may have arisen from a personal friendship between Crevaux and then Chair Miralles); *see also* Pierre-Alexandre Crevaux, LPedia, https://lpedia.org/wiki/Pierre-Alexandre_Crevaux (last visited May 3, 2022) (stating that Crevaux became “a close personal adviser to Miralles” after assisting Miralles with his campaign for LPF Chair in 2017).

³³ LPF RTB Resp. at 4; (stating that Crevaux handled tasks as needed and attended committee events along with other volunteers); Miralles Decl. ¶ 7.

³⁴ LPF RTB Resp. at 5.

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 8 of 14

1 that Crevaux attended a meeting in a management capacity. Rather, the minutes that do mention
 2 his attendance indicate that he did so only to report on the status of a candidate search project
 3 that involved recruiting candidates to run for local elected offices throughout the state.³⁵
 4 Miralles states he recalls that Crevaux “participated in events that were open to the public and to
 5 all volunteers” and “never spent more than a few hours a week on LPF or LPMD activities.”³⁶

6 Additionally, the Committees’ Response acknowledges receipt of contributions from
 7 Crevaux: \$100 to LPMD on April 11, 2017, and \$5 to LPF on December 16, 2017.³⁷ Only the
 8 \$5 contribution was returned to Crevaux. It appears that LPF refunded the contribution within
 9 24 hours of its receipt in light of concerns about Crevaux’s foreign national status.³⁸ LPMD
 10 asserts that its current officers were not aware of Crevaux’s \$100 contribution to LPMD until
 11 they received the Commission’s reason-to-believe findings.³⁹ They state, however, that while
 12 their internal audit confirmed receipt of the contribution, there is no record of any refund being
 13 made.⁴⁰

14 **IV. LEGAL ANALYSIS**

15 The Act prohibits any “foreign national” from directly or indirectly making a contribution
 16 or donation of money or other thing of value, or an expenditure, in connection with a federal,

³⁵ For example, at the July 16, 2017 LPF meeting, Crevaux was thanked for assisting LPMD’s Candidate Committee on a project called Operation First Step; the August 20, 2017 meeting minutes indicate Crevaux provided an update that they received pro bono assistance from a local attorney for the project; and at the October 22, 2017 meeting, Crevaux provided a quarterly update on the project. *See* LPF RTB Resp. at 63, 69, 81; *see also* Recording of LPF Executive Committee Meeting (July 16, 2017) <https://www.mixcloud.com/lpflorida/lpf-ec-meeting-july-16th-2017/>.

³⁶ Miralles Decl. ¶¶ 4-5.

³⁷ LPF Resp. at 7.

³⁸ *See* Compl. at 14-15 (attaching LPF staff emails discussing Crevaux’s contribution); LPF RTB Resp. at 7.

³⁹ LPF RTB Resp. at 7. LPMD never provided a response to the Complaint and therefore never addressed the \$100 contribution prior to the reason-to-believe finding.

⁴⁰ *Id.*

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 9 of 14

1 state, or local election.⁴¹ The Act further prohibits persons from soliciting, accepting, or
2 receiving a contribution or donation from a foreign national.⁴²

3 The Act's definition of "foreign national" includes an individual who is not a citizen or
4 national of the United States and who is not lawfully admitted for permanent residence.⁴³

5 Commission regulations implementing the Act's foreign national prohibition provide:

6 A foreign national shall not direct, dictate, control, or directly or
7 indirectly participate in the decision-making process of any person,
8 such as a corporation, labor organization, political committee, or
9 political organization with regard to such person's Federal or non-
10 Federal election-related activities, such as decisions concerning the
11 making of contributions, donations, expenditures, or
12 disbursements. . . or decisions concerning the administration of a
13 political committee.⁴⁴

14 The Commission has explained that this provision also bars foreign nationals from "involvement
15 in the management of a political committee."⁴⁵

16 The Commission has found that not all participation by foreign nationals in the election-
17 related activities of others will violate the Act. In MUR 6959, for example, the Commission

⁴¹ 52 U.S.C. § 30121(a)(1); *see also* 11 C.F.R. § 110.20(b), (c), (e), (f). Courts have consistently upheld the provisions of the Act prohibiting foreign national contributions on the ground that the government has a clear, compelling interest in limiting the influence of foreigners over the activities and processes that are integral to democratic self-government, which include making political contributions and express-advocacy expenditures. *See Bluman v. FEC*, 800 F. Supp. 2d 281, 288-89 (D.D.C. 2011), *aff'd* 132 S. Ct. 1087 (2012); *United States v. Singh*, 924 F.3d 1030, 1040-44 (9th Cir. 2019).

⁴² 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).

⁴³ 52 U.S.C. § 30121(b); *see also* 11 C.F.R. § 110.20(a)(3).

⁴⁴ 11 C.F.R. § 110.20(i).

⁴⁵ Contribution Limits and Prohibitions, 67 Fed. Reg. 69,928, 69,946 (Nov. 19, 2002); *see also* Advisory Op. 2004-26 at 2-3 (Weller) (noting that the foreign national prohibition at section 110.20(i) is broad and concluding that, while a foreign national fiancé of the candidate could participate in committees' activities as a volunteer without making a prohibited contribution, 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").

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 10 of 14

1 found no reason to believe that a foreign national violated 52 U.S.C. § 30121 by performing
 2 clerical duties, such as online research and translations, during a one-month-long internship with
 3 a party committee.⁴⁶ Similarly, in MURs 5987, 5995, and 6015, the Commission found no
 4 reason to believe that a foreign national violated 52 U.S.C. § 30121 by volunteering his services
 5 to perform at a campaign fundraiser and agreeing to let the political committee use his name and
 6 likeness in its emails promoting the concert and soliciting support, where the record did not
 7 indicate that the foreign national had been involved in the committee's decision-making process
 8 in connection with the making of contributions, donations, expenditures, or disbursements.⁴⁷ By
 9 contrast, the Commission has consistently found a violation of the foreign national prohibition
 10 where foreign national officers or directors of a U.S. company participated in the company's
 11 decisions to make contributions or in the management of its separate segregated fund,⁴⁸ and has
 12 found a violation where individuals participated in the decision-making processes of several
 13 political committees in connection with election-related activities through a commercial

⁴⁶ Factual & Legal Analysis at 4-5, MUR 6959 (Cindy Nava) (noting that the available information, which was based on two press reports that did not detail the foreign national's activities, did not indicate that the foreign national participated in any political committee's decision-making process). The Commission also found that a \$3,000 stipend that the foreign national received from third parties resulted in an in-kind contribution from the third parties to the committee, but the value of the foreign national volunteer's services to the committee was not a contribution. *Id.* (citing 52 U.S.C. § 30101(8)(A)(ii); 11 C.F.R. § 100.54; Advisory Op. 1982-04 (Apodaca)).

⁴⁷ Factual & Legal Analysis at 6-9, MURs 5987, 5995, 6015 (Sir Elton John); *see also* Factual & Legal Analysis at 5, MUR 5998 (Lord Jacob Rothschild); Advisory Op. 2004-26 (Weller).

⁴⁸ *See, e.g.*, Conciliation Agreement, MUR 6093 (Transurban Grp.) (U.S. subsidiary violated the Act by making contributions after its foreign parent company's board of directors directly participated in determining whether to continue political contributions policy of its U.S. subsidiaries); Conciliation Agreement, MUR 6184 (Skyway Concession Company, LLC) (U.S. company violated the Act by making contributions after its foreign national CEO participated in the company's election-related activities by vetting campaign solicitations or deciding which nonfederal committees would receive company contributions, authorizing release of company funds to make contributions, and signing contribution checks); Conciliation Agreement, MUR 7122 (American Pacific International Capital, Inc.) (U.S. corporation owned by foreign company violated the Act by making a contribution after its board of directors, which included foreign nationals, approved a proposal by a U.S. citizen corporate officer to contribute).

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 11 of 14

1 vendor.⁴⁹ In the more recent matters, the Commission concluded that “[b]y providing strategic
 2 advice to committees on both the content and target audience for their campaign
 3 communications, [the Respondent] may have helped shape political committees’ election-related
 4 spending decisions.”⁵⁰

5 Here, the available evidence, including publicly available information and assertions by
 6 the Committee Respondents, confirms that Crevaux was a foreign national at the time that he
 7 was associated with LPF and LPMD from approximately 2013 through 2018. The Committees,
 8 however, assert that Crevaux never worked for them in any capacity other than as a volunteer
 9 and, when he was elected as Vice Chair of LPMD, he resigned within minutes due to his
 10 ineligibility to serve in a leadership position with them.⁵¹

11 Although both LPF and LPMD accepted very small monetary contributions from
 12 Crevaux, only LPF has refunded that money. At the time that he made the contributions in 2017,
 13 questions had already been raised about his foreign national status. LPF quickly refunded
 14 Crevaux’s April 2017 contribution within 24 hours of its receipt, based on the fact that Crevaux
 15 was presumed to be a foreign national. In fact, in May 2017, Crevaux himself responded to an
 16 email regarding his immigration status, admitting that he was “still in the process of getting [his]
 17 paperwork done.”⁵² Still, in December 2017, Crevaux made a \$100 contribution to LPMD, and
 18 by its own account, LPMD has yet to return those funds despite questions about Crevaux’s

⁴⁹ See Factual & Legal Analysis at 10-13, MURs 7350 and 7351 (Wylie); see also Factual & Legal Analysis at 10-13, MURs 7350, 7351, and 7382 (Cambridge Analytica, *et al.*).

⁵⁰ Factual & Legal Analysis at 11, MURs 7350, 7351 (Wylie).

⁵¹ LPF Resp. at 3-4, 6.

⁵² Compl. at 6.

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 12 of 14

1 immigration status that existed at the time.⁵³ Therefore, Crevaux appears to have made and
2 LPMD knowingly accepted a foreign national contribution.⁵⁴

3 At the time of the reason-to-believe findings, it appeared that the Respondent committees
4 violated the Act by allowing Crevaux to participate in its decision-making processes as LPF's
5 Chief of Staff and LPMD's Executive Director.⁵⁵ The Commission found that "[g]iven
6 Crevaux's position as Chief of Staff to LPF's Chairman, it is likely that he participated in LPF's
7 management or decision-making process in connection with LPF's election-related spending."⁵⁶
8 The Commission made similar findings in connection with Crevaux's purported work for
9 LPMD, where according to LPMD's bylaws, his duties as the Executive Director would have
10 included overseeing standing committees, appointing members, and assisting the treasurer with
11 collecting funds and signing checks.⁵⁷ The Commission's earlier findings, however, were based
12 on Crevaux's public claims about his title and position, which the Committees now credibly
13 assert were inaccurate. The Committees have provided information supporting their contention
14 that Crevaux never in fact held an official title and worked simply as a volunteer performing
15 what appears to have been mostly clerical duties such as assembling meeting agendas.⁵⁸ While
16 there is some level of information indicating that Crevaux was permitted to use a title on one
17 occasion, the record as a whole indicates that Crevaux's use of the titles of Executive Director
18 and Chief of Staff in settings such as his LinkedIn profile is inaccurate, generally unauthorized,

⁵³ LPF Resp. at 7.

⁵⁴ 52 U.S.C. § 30121(a).

⁵⁵ Factual & Legal Analysis at 7-9, MUR 7320 (Pierre Crevaux).

⁵⁶ Factual & Legal Analysis at 6, MUR 7320 (Libertarian Party of Florida).

⁵⁷ Factual & Legal Analysis at 6-7, MUR 7320 (Libertarian Party of Miami-Dade); LPF RTB Resp. at 35.

⁵⁸ *Supra* pages 5-7.

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 13 of 14

1 and contrary to LPF's constitution and LPMD's bylaws.⁵⁹ Furthermore, the Committees'
 2 assertions that Crevaux's activity was limited to being a volunteer who mostly performed clerical
 3 duties under the direction of Committee staff appear to be credible.⁶⁰

4 Finally, there is insufficient information available to demonstrate that former LPF Chair
 5 Miralles played a role with respect to the Committees' accepting Crevaux's contributions or with
 6 permitting Crevaux to participate in any decision-making in connection with the Committees'
 7 election-related or fundraising activities. As discussed above, the record does indicate that
 8 Miralles may have acquiesced in allowing Crevaux to use the title of "Chief of Staff" for a
 9 period of time, but there is no information in the meeting minutes provided by Respondents or in
 10 publicly available sources that Crevaux actually exercised any decision-making authority along
 11 with that unofficial title. The fact that the role did not even exist or carry any authority was
 12 made especially clear in August 2017 when contemporaneous documents reflect Miralles's
 13 attempt to create new staff positions to assist committee officers, and that his motion failed to
 14 garner sufficient votes from the LPMD Executive Committee.⁶¹ Thus, the current record does
 15 not reflect that Crevaux exercised a material level of decision-making authority.

16 In light of the amount of the contributions involved, and the likelihood that Crevaux did
 17 not participate in any relevant decision-making on behalf of the Committees, we recommend that
 18 the Commission take no further action and close the matter as to LPMD, LPF, and Crevaux. We
 19 also recommend that the Commission instruct LPMD of its obligation to refund or disgorge

⁵⁹ *Supra* pages 5-6.

⁶⁰ *C.f.* Factual & Legal Analysis at 11, MURs 7350, 7351, and 7382 (Cambridge Analytica) (finding that admissions by a foreign national along with internal company documents supported allegations that foreign nationals' participation in providing strategic advice to political activities may have helped shape political committees' election-related spending decisions).

⁶¹ *Supra* note 22.

MUR 7320 (Libertarian Party of Miami Dade, *et al.*)

Second General Counsel's Report

Page 14 of 14

1 Crevaux's \$100 prohibited contribution. Additionally, we recommend that the Commission
2 dismiss the allegation that Miralles accepted a prohibited foreign national contribution on behalf
3 of the Committees through Crevaux's participation in management or decision-making.

4 **IV. RECOMMENDATIONS**

5 1. Take no further action against Libertarian Party of Miami Dade, but instruct it of its
6 obligation to refund or disgorge a \$100 prohibited contribution it received from
7 Pierre Crevaux;

8 2. Take no further action against Libertarian Party of Florida and Richard Perez in his
9 official capacity as treasurer;

10 3. Take no further action as to Pierre Crevaux;

11 4. Dismiss the allegations as to Marcos Miralles;

12 5. Approve the appropriate letters; and

13 6. Close the file.

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16 Lisa J. Stevenson
17 Acting General Counsel

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21 May 6, 2022
22 Date

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24 BY: Charles Kitcher
25 Charles Kitcher
26 Associate General Counsel for Enforcement
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31 Mark Shonkwiler
32 Assistant General Counsel
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36 Ana J. Peña-Wallace
37 Assistant General Counsel