



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

December 15, 2021

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

**MEMORANDUM**

**TO:** The Commission

**FROM:** Lisa J. Stevenson *LJS*  
Acting General Counsel

Charles Kitcher *CK*  
Associate General Counsel for Enforcement

Mark Allen *MA*  
Assistant General Counsel

Richard L. Weiss *RLW*  
Attorney

**SUBJECT:** MURs 7291 & 7449 (DNC)

**RE:** Office of General Counsel's Notice to the Commission  
Following the Submission of Probable Cause Brief

---

**I. INTRODUCTION**

On November 19, 2021, the Office of General Counsel ("OGC") notified counsel for DNC Services Corporation/Democratic National Committee and Virginia McGregor in her official capacity as treasurer (the "DNC") that it was prepared to recommend that the Commission find probable cause to believe that the DNC violated 52 U.S.C. § 30104(b)(5)(A) and (b)(6)(B)(v) and 11 C.F.R. § 104.3(b)(3)(i) by failing to report the proper purpose of the funds the DNC paid to Perkins Coie for opposition research performed by Fusion GPS.<sup>1</sup> OGC's notification included a General's Counsel's Brief setting forth the factual and legal basis for the recommendation.<sup>2</sup> Respondent submitted a Reply Brief on December 6, 2021,<sup>3</sup> in which it requested a Probable Cause Hearing, which was held on December 14, 2021.

---

<sup>1</sup> Letter from Richard L. Weiss, Att'y, FEC, to Graham Wilson, Couns. for the DNC (Nov. 19, 2021) (enclosing GC Br.).

<sup>2</sup> *Id.*

<sup>3</sup> Reply Br. (Dec. 6, 2021).

MURs 7291 and 7449 (DNC)  
OGC Notice  
Page 2 of 2

1 Pursuant to the *Agency Procedure Following the Submission of Probable Cause Briefs by*  
2 *the Office of General Counsel*, 76 Fed. Reg. 63,570 (Oct. 13, 2011), OGC is hereby notifying the  
3 Commission that it intends to proceed with the recommendation to find probable cause to believe  
4 that the DNC violated the Federal Election Campaign Act of 1971, as amended, based on the  
5 factual and legal analysis set forth in the General Counsel's Brief. A copy of this Notice is being  
6 provided to Respondent at the same time that it is circulated to the Commission.

7  
8 For the reasons set forth in the General Counsel's Brief, the Commission should proceed  
9 with finding probable cause to believe that the DNC failed to report the proper purpose of the  
10 funds the DNC paid to Perkins Coie for opposition research performed by Fusion GPS.

11  
12 **II. RECOMMENDATION**

13 Find probable cause to believe that DNC Services Corporation/Democratic National  
14 Committee and Virginia McGregor in her official capacity as treasurer violated 52 U.S.C.  
15 § 30104(b)(5)(A) and (b)(6)(B)(v) and 11 C.F.R. § 104.3(b)(3)(i) by failing to report the  
16 proper purpose of the funds the DNC paid to Perkins Coie for opposition research  
17 performed by Fusion GPS.