



**FEDERAL ELECTION COMMISSION**  
 Washington, D.C. 20463

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
Aftab Pureval	)	MUR 7507
Aftab for Ohio and Evan Nolan in his official capacity	)	
as treasurer	)	
Friends of Aftab Pureval	)	
Drenko Pureval	)	

**STATEMENT OF REASONS OF  
 CHAIR SHANA M. BROUSSARD AND COMMISSIONER ELLEN L. WEINTRAUB**

This matter involves allegations that Aftab Pureval spent non-federal funds from his Ohio local political committee, Friends of Aftab Pureval, (“County Clerk Committee”) to pay for various polling and campaign expenses properly attributed to his 2018 federal congressional campaign committee, Aftab for Ohio and Evan Nolan in his official capacity as treasurer (“Federal Committee”).

The Complaint alleged that between January 2018 and June 2018, the County Clerk Committee made payments to five vendors totaling \$22,464.58 for obligations of the Federal Committee.<sup>1</sup> Based on the available information, the First General Counsel’s Report recommended finding reason to believe that Aftab Pureval, the County Clerk Committee, and the Federal Committee violated the Act and Commission regulations in connection with these payments.<sup>2</sup>

We voted twice to approve the Office of General Counsel’s recommendations to find reason to believe that the County Clerk Committee transferred, and the Federal Committee and

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<sup>1</sup> Compl. at 4-5.

<sup>2</sup> First Gen. Counsel’s Report at 18. We agreed with the Office of General Counsel that there was also reason to believe that Drenko Pureval, Aftab Pureval’s mother, violated the Act and Commission regulations in connection with contributions she made to the County Clerk Committee. Because her liability depended on whether she knew that her non-federal contributions would be used to support a federal race, we thought the appropriate course of action would be to authorize an investigation so that we could ask a few simple questions and resolve the matter. Our motion to do so did not garner the necessary four votes. First Gen. Counsel’s Report at 14-16; Certification, MUR 7507 (Aftab for Ohio, *et al.*) (July 13, 2021).

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Aftab Pureval received, non-federal funds totaling \$22,464.58 in connection with Pureval's election for federal office in violation of 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 110.3(d).<sup>3</sup>

Several of our colleagues, however, elected not to approve the recommendations of our Office of General Counsel, and instead moved to dismiss the allegations relating to payments to three of the five vendors, representing \$17,727.42 or 79 percent of the total amount at issue.<sup>4</sup> By way of explanation, our colleagues offer several unpersuasive arguments.

The lion's share of the County Clerk Committee's vendor payments – \$16,427.79 – went to pay for a poll conducted by GBA Strategies in January 2018. Our colleagues describe the poll as “focused on a general survey of the political landscape of Ohio's 1<sup>st</sup> Congressional District”<sup>5</sup> and asserted that the poll's information would “doubtlessly” and “significantly benefit [Aftab's] County Clerk Committee.”<sup>6</sup> By starting with that conclusion, they find it perfectly reasonable that the poll's costs could be allocated between federal and non-federal funds.

They must not have read the same poll that we did – it was attached to the supplemental complaint and makes short but compelling reading.<sup>7</sup> The FEC's Office of General Counsel accurately described it as follows:

The poll survey focuses exclusively on Pureval's viability in the first congressional district, and how he compares to the incumbent in federal office. There is no mention of a potential run for re-election of his county office. The “Key Findings” detailed in the first two pages of the poll survey includes statements in bold noting that “[t]he Republican Brand Under Trump Is Weak,” “Pureval Can Build On A Strong Foundation” (highlighting that Pureval's average favorability is higher than Chabot [Pureval's likely opponent in the federal race]), “The Race Begins Very Competitive,” “There Are Strong Preliminary contrasts On Taxes, Healthcare & Women,” and “Chabot's Support Is Soft & Persuadable.”<sup>8</sup>

OGC accurately concluded that this poll, with its “exclusively” federal focus, should have been paid for with exclusively federal funds.

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<sup>3</sup> See Certification, MUR 7507 (Aftab for Ohio, *et al.*) (July 13, 2021).

<sup>4</sup> See Certifications, MUR 7507 (Aftab for Ohio, *et al.*) (July 13 and 15, 2021).

<sup>5</sup> Statement of Reasons of Vice Chair Allen Dickerson and Commissioners Sean J. Cooksey and James E. “Trey” Trainor, III at 3 (Aug. 27, 2021), MUR 7507 (Aftab For Ohio, *et al.*).

<sup>6</sup> *Id.*

<sup>7</sup> See Supplemental Complaint at 3 (Oct. 16, 2018), MUR 7507 (Aftab for Ohio, *et al.*), found at [https://www.fec.gov/files/legal/murs/7507/7507\\_6](https://www.fec.gov/files/legal/murs/7507/7507_6).

<sup>8</sup> First Gen. Counsel's Report at 11-12.

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Our colleagues went on to state that the dismissal of these allegations “was warranted as an exercise of prosecutorial discretion in light of the . . . relatively small amounts at issue.”<sup>9</sup> Perhaps somewhat incongruous to the apparent concern over agency resources, they included in that same motion a reason to believe finding with respect to the payments to the two remaining vendors totaling a mere \$4,737.16 and a direction to the Office of General Counsel to enter into pre-probable cause conciliation with the Respondents.<sup>10</sup> We agree with our colleagues that declining to move forward and expend Commission resources on a “relatively small amount” is an appropriate exercise of prosecutorial discretion. For that reason and because we did not support dismissing the allegations involving nearly 80 percent of the funds at issue, we did not vote in favor of their motion.

August 27, 2021

Date



Shana M. Broussard  
Chair

August 27, 2021

Date



Ellen L. Weintraub  
Commissioner

<sup>9</sup> Statement of Reasons of Vice Chair Allen Dickerson and Commissioners Sean J. Cooksey and James E. “Trey” Trainor, III at 4, MUR 7507 (Aftab for Ohio, *et al.*). This matter is distinguished from MUR 6216 (Coakley for Senate), cited by our colleagues, where the timing of \$21,716 in payments to consultants was at issue. Unlike in that matter, the evidence before the Commission in this matter includes a poll that unambiguously and exclusively referred to and benefited Pureval’s congressional campaign.

<sup>10</sup> Certification, MUR 7507 (Aftab for Ohio, *et al.*) (July 15, 2021).