

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MURs 7575, 7580, 7592 and 7626
Brand New Congress and Hosseh Enad in)
his official capacity as treasurer; Justice)
Democrats PAC and Natalie Trent in her)
official capacity as treasurer; Brand New)
Congress, LLC (f/k/a Brand New)
Campaign, LLC); Alexandria Ocasio-)
Cortez; Saikat Chakrabarti; Alexandria)
Ocasio-Cortez for Congress and Frank)
Llewellyn in his official capacity as)
treasurer; Adrienne Bell 2018 and Andret)
Rayford in her official capacity as)
treasurer; Anthony Clark 2018)
(terminated) and Anthony Clark in his)
official capacity as treasurer; Chardo)
Richardson for Congress (terminated))
and Chardo Richardson in his official)
capacity as treasurer; Committee to Elect)
Ryan Stone (terminated) and Ryan Stone)
in his official capacity as treasurer; Cori)
Bush for Congress and Amy Vilela in her)
official capacity as treasurer; Hector)
Morales for Congress (terminated) and)
Hector Morales in his official capacity as)
treasurer; Hepburn for Congress)
(terminated) and Michael Hepburn in his)
official capacity as treasurer; Letitia)
Plummer 2018 and Letitia Plummer in)
her official capacity as treasurer; Paula)
Swearengin 2018 and Paula Swearengin)
in her official capacity as treasurer; Perry)
for Pennsylvania (terminated) and Paul-)
David Perry, II, in his official capacity as)
treasurer; Robert Ryerse 2018 and Robert)
Ryerse in his official capacity as)
treasurer; Sarah Smith 2018 and Andy Lo)
in his official capacity as treasurer; Arden)
Buck; Kamilka Malwatte; Natalie)
Elsberg)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on January 27, 2022, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to:

MURs 7580, 7592 and 7626

- a. Find reason to believe that Justice Democrats PAC and Natalie Trent in her official capacity as treasurer violated 52 U.S.C. § 30116(a) by making excessive in-kind contributions to the Respondent candidate committees.

MURs 7580 and 7592

- b. Find reason to believe that Saikat Chakrabarti violated 52 U.S.C. § 30116(a) by making excessive in-kind contributions to the Respondent candidate committees.
- c. Take no action at this time regarding the allegations that Alexandria Ocasio-Cortez and Alexandria Ocasio-Cortez for Congress and Frank Llewellyn in his official capacity as treasurer violated 52 U.S.C. § 30116(f) by knowingly accepting excessive in-kind contributions from Justice Democrats PAC or Saikat Chakrabarti.

MURs 7592 and 7626

- d. Find reason to believe that Brand New Congress and Hosseh Enad in his official capacity as treasurer violated 52 U.S.C. § 30116(a) by making excessive in-kind contributions to the Respondent candidate committees.
- e. Take no action at this time regarding the allegations that Cori Bush for Congress and Amy Vilela in her official capacity as treasurer violated 52 U.S.C. § 30116(f) by knowingly accepting excessive in-kind contributions from Justice Democrats PAC or Brand New Congress.

- f. Find reason to believe that Cori Bush for Congress and Amy Vilela in her official capacity as treasurer violated 52 U.S.C. §30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for, and misreporting the payee of, disbursements to Brand New Congress, LLC.

MUR 7592

- g. Find reason to believe that Brand New Congress, LLC violated 52 U.S.C. § 30116(a) by making excessive in-kind contributions to the Respondent candidate committees.
- h. Take no action at this time regarding the allegations that Alexandria Ocasio-Cortez and Alexandria Ocasio-Cortez for Congress and Frank Llewellyn in his official capacity as treasurer violated 52 U.S.C. § 30116(f) by knowingly accepting excessive in-kind contributions from Brand New Congress or Brand New Congress, LLC.
- i. Take no action at this time regarding the allegations that Cori Bush for Congress and Amy Vilela in her official capacity as treasurer violated 52 U.S.C. § 30116(f) by knowingly accepting excessive in-kind contributions from Saikat Chakrabarti or Brand New Congress, LLC.
- j. Take no action at this time regarding the allegations that Adrienne Bell 2018 and Andret Rayford in her official capacity as treasurer; Anthony Clark 2018 and Anthony Clark in his official capacity as treasurer; Chardo Richardson for Congress and Chardo Richardson in his official capacity as treasurer; Committee to Elect Ryan Stone and Ryan Stone in his official capacity as treasurer; Hector Morales for Congress and Hector Morales in his official capacity as treasurer; Hepburn for Congress and Michael Hepburn in his official capacity as treasurer; Letitia Plummer 2018 and Letitia Plummer in her official capacity as treasurer; Paula Swearengin 2018 and Paula Swearengin in her official capacity as treasurer; Perry for Pennsylvania and Paul-David Perry, II, in his official capacity as treasurer; Robert Ryerse 2018 and Robert Ryerse in his official capacity as treasurer; and Sarah Smith 2018 and Andy Lo in his official capacity as treasurer violated 52 U.S.C. § 30116(f) by knowingly accepting excessive in-kind contributions from Justice Democrats PAC, Brand New Congress, Brand New Congress, LLC, or Saikat Chakrabarti.

- k. Take no action at this time regarding the allegations that Brand New Congress, LLC violated 52 U.S.C. §§ 30102, 30103, and 30104 by failing to register and report as a political committee.
- l. Take no action at this time regarding the allegations that Alexandria Ocasio- Cortez or Justice Democrats PAC and Natalie Trent in her official capacity as treasurer violated the Act by Justice Democrats PAC's failure to register and report as an authorized committee or leadership PAC.
- m. Dismiss the allegations that Adrienne Bell 2018 and Andret Rayford in her official capacity as treasurer; Anthony Clark 2018 and Anthony Clark in his official capacity as treasurer; Chardo Richardson for Congress and Chardo Richardson in his official capacity as treasurer; Committee to Elect Ryan Stone and Ryan Stone in his official capacity as treasurer; Hector Morales for Congress and Hector Morales in his official capacity as treasurer; Hepburn for Congress and Michael Hepburn in his official capacity as treasurer; Letitia Plummer 2018 and Letitia Plummer in her official capacity as treasurer; Perry for Pennsylvania and Paul-David Perry, II, in his official capacity as treasurer; Robert Ryerse 2018 and Robert Ryerse in his official capacity as treasurer; and Sarah Smith 2018 and Andy Lo in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for, and misreporting the payee of, disbursements to Brand New Congress, LLC and remind these Respondent candidate committees to work with the Reports Analysis Division to amend their reports, as necessary, to reflect proper purposes and payees.
- n. Find reason to believe that Paula Swearengin 2018 and Paula Swearengin in her official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for, and misreporting the payee of, disbursements to Brand New Congress, LLC.
- o. Dismiss the allegations that Arden Buck, Kamilka Malwatte, and Natalie Elsberg violated 52 U.S.C. § 30116(a) by making excessive contributions.

- p. Dismiss the allegations that Alexandria Ocasio-Cortez for Congress and Frank Llewellyn in his official capacity as treasurer and Justice Democrats PAC and Natalie Trent in her official capacity as treasurer violated 52 U.S.C. § 30116(f) for knowingly accepting excessive contributions from Arden Buck, Kamilka Malwatte, and Natalie Elsberg.

MURs 7575, 7592, and 7626

- q. Find reason to believe that Brand New Congress and Hosseh Enad in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for, and misreporting the payee of, disbursements to Brand New Congress, LLC.

MURs 7575, 7580, and 7592

- r. Dismiss the allegations that Alexandria Ocasio-Cortez for Congress and Frank Llewellyn in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for, and misreporting the payee of, disbursements to Brand New Congress, LLC and remind Alexandria Ocasio- Cortez for Congress to work with the Reports Analysis Division to amend its reports, as necessary, to reflect proper purposes and payees.

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- s. Find reason to believe that Justice Democrats PAC and Natalie Trent in her official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for, and misreporting the payee of, disbursements to Brand New Congress, LLC.
- t. Authorize the use of compulsory process.
- u. Approve the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated November 23, 2021, subject to the edits circulated by Commissioner Weintraub's Office on January 20, 2022 at 1:30 p.m.
- v. Approve the appropriate letters.

Commissioners Broussard, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Cooksey, Dickerson, and Trainor dissented.

2. Decided by a vote of 6-0 to:

- a. Dismiss allegations that Alexandria Ocasio-Cortez for Congress and Frank Llewellyn in his official capacity as treasurer; Adrienne Bell 2018 and Andret Rayford in her official capacity as treasurer; Anthony Clark 2018 and Anthony Clark in his official capacity as treasurer; Charo Richardson for Congress and Charo Richardson in his official capacity as treasurer; Committee to Elect Ryan Stone and Ryan Stone in his official capacity as treasurer; Hector Morales for Congress and Hector Morales in his official capacity as treasurer; Hepburn for Congress and Michael Hepburn in his official capacity as treasurer; Letitia Plummer 2018 and Letitia Plummer in her official capacity as treasurer; Perry for Pennsylvania and Paul-David Perry, II, in his official capacity as treasurer; Robert Ryerse 2018 and Robert Ryerse in his official capacity as treasurer; and Sarah Smith 2018 and Andy Lo in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for, and misreporting the payee of, disbursements to Brand New Congress, LLC.
- b. Dismiss the allegations that Arden Buck, Kamilka Malwatte, and Natalie Elsberg violated 52 U.S.C. § 30116(a) by making excessive contributions.
- c. Dismiss the allegations that Alexandria Ocasio-Cortez for Congress and Frank Llewellyn in his official capacity as treasurer and Justice Democrats PAC and Natalie Trent in her official capacity as treasurer violated 52 U.S.C. § 30116(f) for knowingly accepting excessive contributions from Arden Buck, Kamilka Malwatte, and Natalie Elsberg.
- d. Approve the relevant Factual and Legal Analyses for Arden Buck, Kamilka Malwatte, and Natalie Elsberg, as recommended in the First General Counsel's Report dated November 23, 2021.
- e. Close the file as to Arden Buck, Kamilka Malwatte, and Natalie Elsberg.
- f. Issue appropriate letters.

Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

3. Failed by a vote of 3-3 to:

- a. Dismiss pursuant to *Heckler v. Chaney* allegations that Justice Democrats PAC and Natalie Trent in her official capacity as treasurer; Brand New Congress and Hosseh Enad in his official capacity as treasurer; Brand New Congress, LLC; and Saikat Chakrabarti violated 52 U.S.C. § 30116(a) by making excessive in-kind contributions to the Respondent candidate committees.
- b. Dismiss pursuant to *Heckler v. Chaney* allegations that Alexandria Ocasio-Cortez for Congress and Frank Llewellyn in his official capacity as treasurer; Cori Bush for Congress and Amy Vilela in her official capacity as treasurer; Adrienne Bell 2018 and Andret Rayford in her official capacity as treasurer; Anthony Clark 2018 and Anthony Clark in his official capacity as treasurer; Chardo Richardson for Congress and Chardo Richardson in his official capacity as treasurer; Committee to Elect Ryan Stone and Ryan Stone in his official capacity as treasurer; Hector Morales for Congress and Hector Morales in his official capacity as treasurer; Hepburn for Congress and Michael Hepburn in his official capacity as treasurer; Letitia Plummer 2018 and Letitia Plummer in her official capacity as treasurer; Paula Swearengin 2018 and Paula Swearengin in her official capacity as treasurer; Perry for Pennsylvania and Paul-David Perry, II, in his official capacity as treasurer; Robert Ryerse 2018 and Robert Ryerse in his official capacity as treasurer; and Sarah Smith 2018 and Andy Lo in his official capacity as treasurer violated 52 U.S.C. § 30116(f) by knowingly accepting excessive in-kind contributions from Justice Democrats PAC, Brand New Congress, Brand New Congress, LLC, or Saikat Chakrabarti.
- c. Dismiss allegations that Brand New Congress, LLC violated 52 U.S.C. §§ 30102, 30103, and 30104 by failing to register and report as a political committee and that Alexandria Ocasio-Cortez or Justice Democrats PAC and Natalie Trent in her official capacity as treasurer violated the Act by Justice Democrats PAC's failure to register and report as an authorized committee or leadership PAC.
- d. Dismiss allegations that Justice Democrats PAC and Natalie Trent in her official capacity as treasurer and Brand New Congress and

Hosseh Enad in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for and misreporting the payee of, disbursements to Brand New Congress, LLC.

- e. Dismiss allegations that Cori Bush for Congress and Amy Vilela in her official capacity as treasurer and Paula Swearengin 2018 and Paula Swearengin in her official capacity as treasurer violated 52 U.S.C. § 30104 (b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for, and misreporting the payee of, disbursements.
- f. Close the file.
- g. Issue appropriate letters.

Commissioners Cooksey, Dickerson, and Trainor voted affirmatively for the motion.

Commissioners Broussard, Walther, and Weintraub dissented.

Attest:



Vicktoria J Allen

Digitally signed by Vicktoria J
Allen
Date: 2022.02.03 17:30:54 -05'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission