



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

September 14, 2021

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Margaret Christ  
1411 K Street, NW  
Suite 1400  
Washington, DC 20005

RE: MUR 7577  
Ander PAC (Terminated) and Benjamin  
Ottenhoff, in his official capacity as  
treasurer, *et al.*

Dear Ms. Christ:

This is in reference to the complaint you filed with the Federal Election Commission on March 11, 2019, concerning allegations that Ander PAC and Benjamin Ottenhoff in his official capacity as treasurer and Ander Crenshaw violated the Federal Election Campaign Act of 1971, as amended (the “Act”). The Commission found that there was reason to believe the respondents violated 52 U.S.C. § 30114(b), a provision of the Act. On September 8, 2021, a conciliation agreement signed by Ander Crenshaw was accepted by the Commission. Accordingly, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). A copy of the agreement is enclosed for your information.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

*Amanda Andrade*

Amanda Andrade  
Attorney

Enclosure  
Conciliation Agreement

**BEFORE THE FEDERAL ELECTION COMMISSION**

1  
2  
3 In the Matter of )  
4 )  
5 Ander PAC (f/k/a Crenshaw for Congress) ) MUR 7577  
6 and Benjamin Ottenhoff in his official capacity as treasurer )  
7 Ander Crenshaw )  
8  
9

**CONCILIATION AGREEMENT**

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11  
12 This matter was initiated by a signed, sworn, and notarized complaint by Margaret Christ,  
13 Campaign Legal Center. The Federal Election Commission (the “Commission”) found reason to  
14 believe that Ander PAC (f/k/a Crenshaw for Congress) and Benjamin Ottenhoff in his official  
15 capacity as treasurer and Ander Crenshaw (collectively, “Respondents”) violated 52 U.S.C.  
16 § 30114(b).

17 NOW, THEREFORE, the Commission and the Respondents, having participated in  
18 informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree  
19 as follows:

20 I. The Commission has jurisdiction over the Respondents and the subject matter of  
21 this proceeding, and this agreement has the effect of an agreement entered pursuant to  
22 52 U.S.C. § 30109(a)(4)(A)(i).

23 II. Respondents have had a reasonable opportunity to demonstrate that no action should  
24 be taken in this matter.

25 III. Respondents enter voluntarily into this agreement with the Commission.

26 IV. The pertinent facts and law in this matter are as follows:

27 1. Ander Crenshaw represented Florida’s 4th District in the U.S. House of  
28 Representatives from 2001 until 2017, during which time his principal campaign committee was

1 called Crenshaw for Congress. In January 2017, Crenshaw retired from office and has not been a  
2 candidate for any federal office at any time since.

3 2. Crenshaw for Congress was the principal campaign committee for Crenshaw within  
4 the meaning of 52 U.S.C. § 30101(5). On February 1, 2017, Crenshaw for Congress converted  
5 to a multicandidate PAC, changing its name to Ander PAC

6 3. Benjamin Ottenhoff was the treasurer of Ander PAC.

7 4. On January 30, 2019, the Commission's Reports Analysis Division approved Ander  
8 PAC's termination.

9 5. A contribution accepted by a candidate may be used for, *inter alia*, "otherwise  
10 authorized expenditures in connection with the campaign for Federal office of the candidate."  
11 52 U.S.C. § 30114(a). Permissible non-campaign related expenses include ordinary and  
12 necessary expenses incurred in connection with the recipients' duties as a federal officeholder,  
13 such as travel costs associated with *bona fide* official duties such as speaking engagements, costs  
14 of winding the former federal officeholders' office for a period of six months after he or she  
15 leaves office, and for any other lawful purpose, unless such use is "personal use." *See* 11 C.F.R.  
16 § 113.2(a)-(e).

17 6. Conversion to personal use occurs when funds in a campaign account are used "to  
18 fulfill any commitment, obligation, or expense of a person that would exist irrespective of the  
19 candidate's election campaign or individual's duties as a holder of Federal office." 52 U.S.C.  
20 § 30114(b)(2); *see also* 11 C.F.R. § 113.1(g). Certain uses of campaign funds constitute *per se*  
21 conversion to personal use, including for the purchase of household food items, clothing,  
22 mortgage and utility payments, and dues and fees or gratuities at country clubs, health clubs,  
23 recreational facilities, or other nonpolitical organization, unless they are part of the costs of a

1 specific fundraising event that takes place on the organization’s premises. 52 U.S.C.

2 § 30114(b)(2)(A)-(I); 11 C.F.R. § 113.1(g)(1)(i)(A)-(J)

3 7. For all other disbursements, the Commission determines on a case-by-case basis  
4 whether a given campaign fund disbursement is personal use by applying the “irrespective test;”  
5 that is, whether the payment fulfills a commitment, obligation, or expense that would exist  
6 irrespective of the candidate’s campaign or duties as a federal officeholder. 52 U.S.C. §  
7 30114(b)(2); 11 C.F.R. § 113.1(g)(1)(ii).

8 8. The Commission has concluded that principal campaign committees can be converted  
9 to multi-candidate committees, but those contributions received when a committee was still a  
10 principal campaign committee remain subject to the personal use prohibition. *See, e.g.*, Advisory  
11 Op. 2012-06 (RickPerry.org).

12 9. After Crenshaw retired from office, Ander PAC raised \$450 in contributions and  
13 made \$62,317.84 in disbursements. Of those disbursements, the Commission found reason to  
14 believe that Ander PAC spent \$13,196.08 of campaign funds that was converted to personal use,  
15 including over \$8,000 for travel to political fundraising events at the Four Seasons at Disney  
16 World, the Broadmoor Destination Resort in Colorado Springs, and the Biltmore Estate in North  
17 Carolina; \$450 for membership dues at Capitol Hill Club; and \$3,000 in spending on food and  
18 beverages.

19 V. For the purpose of resolving this matter and because of Respondents’ desire to avoid  
20 further legal costs, Respondents will not contest that they violated 52 U.S.C. § 30114(b) by using  
21 campaign committee funds to make disbursements for personal use.

1 VI. Respondents will take the following actions:

2 1. Ander Crenshaw will pay a civil penalty to the Federal Election Commission in the  
3 amount of \$3,950.

4 2. Ander PAC will waive its right to a refund of the disbursements made for  
5 Crenshaw's personal use and will instruct Crenshaw to disgorge \$13,196 to the U.S. Treasury.

6 3. Respondents will cease and desist from violating 52 U.S.C. § 30114(b).

7 VII. The Commission, on request of anyone filing a complaint under 52 U.S.C.  
8 § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review  
9 compliance with this agreement. If the Commission believes that this agreement or any  
10 requirement thereof has been violated, it may institute a civil action for relief in the United States  
11 District Court for the District of Columbia.

12 VIII. This agreement shall become effective as of the date that all parties hereto have  
13 executed same and the Commission has approved the entire agreement.

14 IX. Respondents shall have no more than 30 days from the date this agreement becomes  
15 effective to comply with and implement the requirements contained in this agreement and to so  
16 notify the Commission.

17 X. This Conciliation Agreement constitutes the entire agreement between the parties  
18 on the matters raised herein, and no other statement, promise, or agreement, either written or  
19 oral, made by either party or by agents of either party, that is not contained in this written  
20 agreement shall be enforceable.

1 FOR THE COMMISSION:

2 Lisa J. Stevenson  
3 Acting General Counsel

4 BY: Charles Kitcher  
5 Charles Kitcher  
6 Associate General Counsel

9/10/21

Date

7 FOR THE RESPONDENT:

8 Ander Crenshaw  
Ander Crenshaw

August 17, 2021  
Date