



FEDERAL ELECTION COMMISSION

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel for Enforcement

Jin Lee
Deputy Associate General Counsel

BY: Peter G. Blumberg *PGB*
Assistant General Counsel

Aaron Rabinowitz *AR*
Attorney

SUBJECT: MURs 7631, 7634 (De Blasio 2020 *et al.*) Recommendation to Accept the Signed Conciliation Agreement

On August 11, 2022, the Commission found reason to believe that: (1) Fairness PAC and Herbert Block in his official capacity as treasurer (“Fairness PAC”) violated 52 U.S.C. § 30116(a) by making excessive contributions to De Blasio 2020 and Herbert Block in his official capacity as treasurer (“De Blasio 2020”) and Bill de Blasio with respect to \$123,000 in polling expenses; (2) NY Fairness PAC violated 52 U.S.C. § 30116(a) by making excessive contributions to De Blasio 2020 and Bill de Blasio with respect to \$53,000 in expenditures for travel and consulting services; (3) De Blasio 2020 and Herbert Block in his official capacity as treasurer and Bill de Blasio violated 52 U.S.C. § 30116(f) by accepting excessive contributions from NY Fairness PAC and Fairness PAC; and (4) De Blasio 2020 violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. §§ 100.72(a) and 100.131(a) by failing to report \$176,000 in in-kind contributions and expenditures.¹ The Commission also authorized pre-probable cause conciliation and directed the Office of General Counsel to draft an appropriate conciliation agreement and to submit it for Commission approval.² On October 18, 2022, the Commission

¹ Certification (“Cert.”) at ¶ 4.a-d (Aug. 12, 2022).

² *Id.* at ¶ 4.f-g.

MURs 7631, 7634 (De Blasio 2020 *et al.*)

Memorandum to the Commission

Page 2 of 3

1 approved three proposed Conciliation Agreements for, respectively De Blasio 2020 and Bill de
2 Blasio, Fairness PAC, and NY Fairness PAC (collectively, “Respondents”).³

³ Cert. (Oct. 19, 2022).

MURs 7631, 7634 (De Blasio 2020 *et al.*)

Memorandum to the Commission

Page 3 of 3

Under these circumstances, we recommend that the Commission accept the signed conciliation agreement and close the file.

RECOMMENDATIONS:

1. Accept the attached conciliation agreement;
2. Take no further action as to Bill de Blasio;
3. Approve the appropriate letters; and
4. Close the file.

⁶ See, e.g., Conciliation Agreement ¶ IV.10, MUR 7122 (American Pacific International Capital, Inc.) (including language that the respondents contended that they made the foreign national contributions at issue with the good-faith belief that they were permissible and that the Commission did not find the violations were knowing and willful).

⁷ The attached redline compares the Commission-approved agreement for De Blasio 2020 and Bill de Blasio against the consolidated agreement that has been signed by the Committee Respondents. Because of that, the original penalty amount reflected in the redline is \$38,000, the out-the-door penalty approved by the Commission for De Blasio 2020 and Bill de Blasio, rather than the consolidated total out-the-door penalties of \$59,000.