



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	MUR 7657
IRL PAC (terminated)	)	
and Ed Torgas, in his official capacity as treasurer;	)	
South Florida First PAC (f/k/a Ros-Lehtinen for Congress; terminated)	)	
and Antonio Argiz, in his official capacity as treasurer;	)	
Ileana Ros-Lehtinen	)	

**STATEMENT OF REASONS OF CHAIRMAN ALLEN DICKERSON AND  
COMMISSIONERS SEAN J. COOKSEY AND JAMES E. “TREY” TRAINOR, III**

The Complaint in this matter alleges that former U.S. Representative Ileana Ros-Lehtinen impermissibly engaged in the personal use of campaign funds via the activities of a since-terminated leadership PAC—IRL PAC.<sup>1</sup> The allegations focus on funds contributed to IRL PAC from a converted multicandidate committee—South Florida First PAC—which had previously operated as Ros-Lehtinen’s authorized campaign committee.<sup>2</sup> After receiving South Florida First PAC’s contribution, IRL PAC disbursed funds for several fundraising events, as well as celebrations for campaign staff and volunteers, which the Complaint alleges amounted to personal use by Ros-Lehtinen.<sup>3</sup> The Respondents deny these assertions and argue that IRL PAC’s disbursements were for legitimate political activities,<sup>4</sup> but the Office of General Counsel recommended that the Commission launch an investigation.<sup>5</sup>

We voted to find no reason to believe that any personal-use violation occurred in this matter, and after significant delay, the Commission proceeded to close the file.<sup>6</sup> Our reasoning for

<sup>1</sup> Complaint at 2–5 (Oct. 28, 2019), MUR 7657 (IRL PAC, *et al.*).

<sup>2</sup> *Id.* at 1–3.

<sup>3</sup> *Id.* at 3–5.

<sup>4</sup> Response of IRL PAC and Ed Torgas, in his official capacity as treasurer (Nov. 25, 2019), MUR 7657 (IRL PAC, *et al.*). The Respondents also ended their federal campaign activity prior to the Complaint being filed. Representative Ros-Lehtinen announced that she would not seek reelection in 2018 on April 30, 2017. Moreover, both South Florida First PAC and IRL PAC terminated in 2017 and 2019, respectively. *See* First General Counsel’s Report at 2–3 (May 22, 2020), MUR 7657 (IRL PAC, *et al.*).

<sup>5</sup> *See* First General Counsel’s Report at 18–19 (May 22, 2020), MUR 7657 (IRL PAC, *et al.*).

<sup>6</sup> Certification (April 6, 2021), MUR 7657 (IRL PAC, *et al.*); Certification (Feb. 17, 2022), MUR 7657 (IRL PAC, *et al.*).

finding no violation in this matter is fully explained by one Commissioner’s earlier interpretive statement on this very issue of personal use vis-à-vis leadership PACs.<sup>7</sup>

The Federal Election Campaign Act of 1971, as amended, prohibits “[a] contribution accepted by a candidate, and any other donation received by an individual as support for activities of the individual as a holder of Federal office” from being “converted by any person to personal use.”<sup>8</sup> An individual engages in personal use when “the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign or individual’s duties as a holder of Federal office.”<sup>9</sup> Commission regulations further interpret this statutory provision to apply to certain uses of campaign funds: “Personal use means any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder.”<sup>10</sup>

In short, the Commission’s regulations and guidance have consistently interpreted the Act’s personal-use prohibition as limited in scope to the use of funds held by authorized candidate committees and their affiliates—that is, the prohibition applies only to the “use of funds *in a campaign account*.”<sup>11</sup> Leadership PACs, by contrast, do not have campaign accounts and, by definition, are not affiliated with candidates’ authorized committees. Commission regulations define a leadership PAC, in relevant part, as “a political committee that is directly or indirectly established, financed, maintained or controlled by a candidate for Federal office or an individual holding Federal office but which is not an authorized committee of the candidate or individual and which is not affiliated with an authorized committee of the candidate or individual.”<sup>12</sup> Consistent with those regulations, the Commission has advised the regulated community that because “a leadership PAC cannot be affiliated with an authorized committee[,] [a leadership PAC] is a ‘third party’ for purposes of 11 CFR [§] 113.1(g)(6),”<sup>13</sup> and therefore falls outside of relevant personal-use regulations.

This analysis applies regardless of the source of a lawful contribution to a leadership PAC, even if that contribution consists of funds that were previously held by an authorized candidate committee. Consequently, IRL PAC’s activities, as presented in the Complaint, do not fall under the Commission’s personal-use regulations. Based on this analysis, and for all the other reasons articulated in the cited interpretive statement, we voted to find no reason to believe a personal-use violation occurred in this matter.<sup>14</sup>

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<sup>7</sup> See Interpretive Statement of Commissioner Sean J. Cooksey (May 6, 2021), *available at* [https://www.fec.gov/resources/cms-content/documents/2021-05-06\\_Interpretive\\_Statement\\_of\\_Cmsr\\_Cooksey.pdf](https://www.fec.gov/resources/cms-content/documents/2021-05-06_Interpretive_Statement_of_Cmsr_Cooksey.pdf) (explaining the Commission’s application of personal-use restrictions to leadership PACs).

<sup>8</sup> 52 U.S.C. § 30114(a), (b)(1).

<sup>9</sup> 52 U.S.C. § 30114(b)(2).

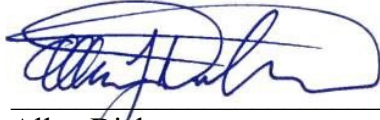
<sup>10</sup> 11 C.F.R. § 113.1(g).

<sup>11</sup> 11 C.F.R. § 113.1(g) (emphasis added).

<sup>12</sup> 11 C.F.R. § 100.5(e)(6).

<sup>13</sup> Advisory Op. 2008-17 (KITPAC) at 4 n.4.

<sup>14</sup> Certification (April 6, 2021), MUR 7657 (IRL PAC, *et al.*).



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Allen Dickerson  
Chairman


March 22, 2022  
Date



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Sean J. Cooksey  
Commissioner

March 22, 2022  
Date



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James E. "Trey" Trainor, III  
Commissioner

March 22, 2022  
Date