

1 **FEDERAL ELECTION COMMISSION**

2
3 **FIRST GENERAL COUNSEL'S REPORT**

4
5 **MUR 7708**

6 DATE COMPLAINT FILED: 2/24/2020

7 DATE OF NOTIFICATIONS: 3/02/2020

8 LAST RESPONSE RECEIVED: 6/01/2020

9 DATE ACTIVATED: 6/10/2020

10
11 ELECTION CYCLE: 2020

12 EXPIRATION OF SOL: 2/01/2024 – 8/04/2025

13
14 **COMPLAINANTS:**

Michael Saltsman

Austin Samuelson

Employment Policies Institute

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18 **RESPONDENTS:**

Eva Putzova for Congress and Alexandra Perez-Garcia in her official capacity as treasurer

Eva Putzova

Restaurant Opportunities Centers United, Inc.

Steven Piasecki

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24 **RELEVANT STATUTES**
25 **AND REGULATIONS:**

52 U.S.C. § 30118(a)

52 U.S.C. § 30101(8)(A)(ii)

11 C.F.R. § 100.54

11 C.F.R. § 114.2

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29 **INTERNAL REPORTS CHECKED:**

Disclosure Reports

30
31 **FEDERAL AGENCIES CHECKED:**

None

32 **I. INTRODUCTION**

33 The Complaint in this matter alleges that Restaurant Opportunities Centers United, Inc.
34 (“ROC United”), a 501(c)(3) non-profit corporation, made prohibited in-kind corporate
35 contributions to federal candidate Eva Putzova, an employee of ROC United, and to her
36 authorized committee, Eva Putzova for Congress and Alexandra Perez-Garcia, in her official
37 capacity as treasurer (the “Committee”). The alleged contributions arose through compensation
38 paid to ROC United employee Steven Piasecki, who also served as a Putzova campaign staffer.

1 The Complaint contends that Piasecki routinely posted political messages on Putzova's personal
2 Twitter account and the Putzova campaign's Twitter account during the work day and, thus,
3 ROC United effectively paid Piasecki to perform work for the Committee and "essentially
4 subsidiz[ed]" the campaign.

5 In their joint Response, Putzova, the Committee, and Piasecki (the "Putzova
6 Respondents") deny that they received in-kind contributions from ROC United and submit a
7 sworn declaration from Piasecki attesting that he did no work for the Putzova campaign during
8 his ROC United work hours. In a separate Response, ROC United also denies violating the Act,
9 states that the allegations are speculative, and also points to Piasecki's declaration to show it did
10 not subsidize the Putzova campaign.

11 As discussed below, although the record is not fully clear on Piasecki's activities, we
12 recommend that the Commission dismiss the allegations that ROC United made, and the Putzova
13 Respondents knowingly accepted, in-kind corporate contributions, in violation of 52 U.S.C.
14 § 30118(a), in connection with the salary payments to Piasecki.

15 **II. FACTUAL BACKGROUND**

16 Eva Putzova was a candidate in the Democratic primary for Arizona's 1st Congressional
17 District, which she lost on August 4, 2020.¹ Her principal campaign committee is Eva Putzova
18 for Congress and Alexandra Perez-Garcia is the Committee's treasurer.² ROC United is a
19 501(c)(3) non-profit corporation with the stated purpose of "improving the wages and working

¹ Ariz. Sec'y of State, State of Ariz. 2020 Primary Election Results (Aug. 4, 2020), <https://results.arizona.vote/#/featured/17/0> (last accessed Sept. 1, 2020).

² Eva Putzova for Congress, Amended Statement of Org. (July 14, 2020).

1 conditions of restaurant workers.”³ Putzova has worked for ROC United since May 2018,
2 serving as Director of Communications.⁴ Steven Piasecki has worked for ROC United since
3 September 2018 as Communications Coordinator (a salaried position)⁵ and, in February 2019,
4 also began working for the Committee in the role of Communications Director.⁶ As part of his
5 job at ROC United, Piasecki operated the ROC United Twitter account, which principally
6 communicated about restaurant trade issues and did not endorse or discuss Putzova’s candidacy.⁷
7 During the election, the Committee operated an official Twitter account — @CongressEva —
8 and, at the same time, Putzova’s personal Twitter account — @EvaPutzova — was also used to
9 disseminate election-related messages.⁸

10 The Complaint alleges that Piasecki “regularly engaged in candidate-related work during
11 the course of the normal workday” by controlling the Putzova campaign accounts during time
12 that he was being paid by ROC United.⁹ The Complaint asserts that Piasecki’s work for ROC
13 United, *i.e.*, tweets he supposedly made using ROC United’s Twitter account, overlapped with

³ ROC United Resp. at 1 (June 1, 2020).

⁴ *Id.* at 2 n.1; Compl. (Feb. 24, 2020), Ex. B at 1 (screenshot of ROC United webpage listing national staff); *id.* at 4 (screenshot of Putzova’s LinkedIn page).

⁵ ROC United Resp. at 1; Compl., Ex. B at 1.

⁶ Compl., Ex. B at 3 (screenshot of Piasecki’s LinkedIn page). Between February 12, 2019, and July 1, 2020, the Committee paid Piasecki \$24,600 for “Communications Consulting Services” and “Social Media and Communications Consulting,” initially in monthly payments of \$600, but later increasing to \$2,000 and then \$4,000. Eva Putzova for Congress, Disbursements, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00694091&recipient_name=piasecki&two_year_transaction_period=2020 (last accessed August 12, 2020).

⁷ Putzova, Committee, & Piasecki Resp. at 2 (Mar. 4, 2020); ROC United Resp. at 2; Compl. at 2, Ex. D.

⁸ Compl., Exs. D, E, F.

⁹ *Id.* at 2.

1 his work for the Committee such that ROC United was “essentially subsidizing his campaign
2 work.”¹⁰

3 The Complaint attaches a series of charts reflecting Twitter usage data obtained from
4 ExportTweet, a Twitter analytics tool.¹¹ The charts purport to show that, based on alleged
5 similar patterns among tweets posted on the Putzova campaign account, Putzova’s personal
6 account, and the ROC United account, Piasecki was in control of all of the accounts. For
7 instance, the Complaint asserts that the Twitter data shows Piasecki had an Android, and that
8 after Putzova declared her candidacy, there was a sharp increase in tweets from her account by
9 an Android user, which the Complaint presumes was Piasecki.¹² In addition, the Complaint
10 claims that the patterns of activity for each of the Twitter accounts shifted in a manner that
11 corresponded with Piasecki’s move to the East Coast, thus suggesting he controlled those
12 accounts.¹³

13 Regarding the allegation that Piasecki was tweeting on behalf of the campaign during his
14 workday for ROC United, the Complaint asserts that a substantial number of tweets were issued
15 by the Putzova campaign account during normal business hours when, presumably, Piasecki was
16 supposed to be working for ROC United.¹⁴ Attached to the Complaint is a chart showing
17 hundreds of tweets issued by the official account between 9:00am and 5:00pm during February –

¹⁰ *Id.* It is also suggested that if Piasecki was tweeting for the Committee during work hours, he may have been using corporate resources in support of the Committee. *Id.*

¹¹ *Id.*, Exs. D, E.

¹² *Id.* at 2. *But see* Putzova, Committee, & Piasecki Resp. at 3 (stating that Putzova owns iOS and Android devices and used both on Twitter).

¹³ Compl. at 2.

¹⁴ *Id.*, Exs. D, E.

1 October 2019.¹⁵ However, the charts do not take into account whether the tweets were made on
2 weekdays, nor does it indicate the time zone. We obtained Twitter usage data from January 2019
3 – August 2020, which reveals that 1,224 tweets out of 2,887 (or 42.4%) were issued between the
4 hours of 9:00am and 5:00pm EST on weekdays, equating to about 3.2 tweets per day.¹⁶ When
5 removing “retweets,” the numbers change to 237 tweets out of 663 (or 35.7%) issued during
6 business hours, equating to about 0.6 per day. Similarly, it also appears that Putzova’s personal
7 Twitter account was active during standard business hours. The tweets from her personal
8 account were campaign-related, discussing her candidacy, the upcoming election, her opponent,
9 and her stance on campaign-related issues. We obtained data from January 2020 through July
10 2020, which reveals that 1,429 tweets out of 3,190 (or 44.8%) were issued between the hours of
11 9:00am and 5:00pm EST on weekdays, equating to about 10.2 tweets per day. When removing
12 retweets, the numbers change to 687 tweets out of 1,562 (or 44.0%), equating to about 4.9 per
13 day.¹⁷

14 Finally, the Complaint alleges that Piasecki’s tweets on behalf of ROC United were
15 similar in content to tweets posted by the Committee, further suggesting that Piasecki was
16 working for the Committee during business hours. Specifically, the Complaint attaches three

¹⁵ *Id.*, Ex. D at 2, 5.

¹⁶ We obtained the usage data from Vicinitas, a Twitter analytics tool which permits the public to download free of charge into an Excel file up to 3,200 of the most recent tweets of any Twitter user. The information contains, among other things, the text and type of tweet and the time of its creation. <https://www.vicinitas.io/free-tools/download-user-tweets> (last accessed Sept. 1, 2020). We used Eastern Standard Time (EST) as the reference time zone because ROC United is headquartered in New York. <https://rocunited.org>. However, this may not be precise to establish whether the tweets were made during working hours given that Piasecki moved to the East Coast in July 2019 and thus he might not have been expected to follow an EST workday. Compl. at 2, n.2, Ex. D. We have no information regarding Piasecki’s normal work hours.

¹⁷ As Vicinitas only makes a certain number of tweets available for download to the average user, we were only able to go back to January 2020 for this account. *See supra* note 16.

1 sets of tweets from @ROC United and @EvaPutzova issued around the same time as each other
2 (on the same or next day) regarding the following issues: (1) fair wages; (2) opposition to the
3 potential nomination of Herman Cain to the Federal Reserve Board; and (3) hearings for the
4 Raise the Wage Act of 2019.¹⁸ The tweets appear to involve generally similar messaging, and in
5 one case use the same graphic obtained from the Economic Policy Institute, but do not mention
6 Putzova's candidacy or the election.¹⁹

7 In response to the Complaint, Piasecki acknowledges that he "contributed to both the
8 ROC United and Putzova campaign Twitter accounts," but provides no other specific details
9 about either his Twitter usage or the hours he worked for ROC United and the Committee.²⁰
10 The Putzova Respondents generally assert that "Piasecki never tweeted for the Campaign while
11 he was on the clock for ROC," and that the Twitter usage data in the Complaint "does not
12 necessarily overlap with work hours."²¹ Piasecki submitted a sworn declaration, in which he
13 states — "At no time have I provided any work for the Campaign while being 'on the clock' for
14 ROC. ROC has never compensated me for any work provided for the Campaign."²² ROC
15 United denies that Piasecki used compensated work time or its corporate resources on behalf of

¹⁸ Compl., Ex. F at 1-2, 4.

¹⁹ *Id.* at 2. The Complaint alleges that the similarities between the ROC United and Putzova tweets "demonstrate clear coordination" between ROC United and the Committee. *Id.* at Ex. D at figure 7; Ex. F at figures 8, 9 (*see* descriptions of tweets). Although it is not expressly alleged that these are coordinated communications that constitute contributions from ROC United to the Committee, we note that each of the cited tweets were apparently free communications over the internet and, therefore, are exempt from the definition of "coordinated communications" under the "internet exemption." *See* 11 C.F.R. §§ 109.21(c), 100.26.

²⁰ Putzova, Committee, & Piasecki Resp. at 2.

²¹ *Id.* The Putzova Respondents do not provide information regarding the extent of Piasecki's contributions to the campaign Twitter accounts or whether other individuals besides Piasecki were in control of the accounts during normal business hours.

²² *Id.*, Attach. (Piasecki Aff. ¶ 2 (Mar. 17, 2020)).

1 the Committee, pointing to his sworn declaration.²³ ROC United asserts that the Complaint's
2 exhibits do not prove who operated the Twitter accounts.²⁴ In addition, ROC United asserts that
3 the Complaint does not present any evidence that Piasecki used ROC United's resources on
4 behalf of the Committee, and even if he did, the Commission's regulations providing safe
5 harbors for "occasional, isolated, or incidental" use of corporate facilities, including internet
6 facilities, in the context of volunteering for a campaign, and for employees who make up any
7 working time used, would apply.²⁵

8 **III. LEGAL ANALYSIS**

9 The Commission should dismiss the allegations that ROC United made, and the Putzova
10 Respondents knowingly accepted in-kind corporate contributions through Piasecki's salary,
11 given that the available information indicates that there are a limited number of tweets which
12 could potentially be attributable to Piasecki during normal business hours and an investigation to
13 determine the actual scope of the violation would not be a prudent use of the Commission's
14 resources given the likely *de minimis* nature of the violation.²⁶

²³ ROC United Resp. at 1-2, 4.

²⁴ *Id.* at 2. ROC United denies that it coordinated with Putzova on any of the five tweets attached as Exhibits D and E to the Complaint, and even if they did collaborate the content standard of the Commission's coordinated communications regulation would not be satisfied. *Id.* at 2-3, n.5 (citing 11 C.F.R. § 109.21(c)) (alleging that the tweets do not constitute "public communications" or express advocacy or the equivalent thereof),

²⁵ *Id.* at 2, n. 7 (citing 11 C.F.R. § 114.9(a)(2)).

²⁶ We note that the Complaint alleges that Piasecki "may be using corporate resources in his work for the campaign." Compl. at 2. The Commission's regulations provide an exemption for the "occasional, isolated, or incidental use of corporate facilities" for individual volunteer activity in connection with a federal election. 11 C.F.R. § 114.9(a)(2). Given that Piasecki was a paid campaign staffer, this exemption would not apply. Nevertheless, the Complaint's general allegations raising the possibility that he may have used corporate resources on behalf of the campaign are not supported by any facts, and are denied by Respondents. Further, the only activity cited by the Complaint is his Twitter activity which does not involve the use of office resources, other than a *de minimis* amount.

1 The Act prohibits corporations from making contributions to federal candidates, and
2 likewise bars candidates, political committees (other than independent expenditure-only political
3 committees and committees with hybrid accounts), and other persons, from knowingly accepting
4 or receiving corporate contributions.²⁷ The term “contribution” includes, “any gift, subscription,
5 loan, advance, or deposit of money or anything of value made by any person for the purpose of
6 influencing any election for Federal office.²⁸ The term “anything of value” includes all in-kind
7 contributions, “[u]nless specifically exempted,” such as the “provision of any goods or services
8 without charge or at a charge that is less than the usual and normal charge for such goods or
9 services.”²⁹

10 The payment by any person of compensation for the personal services of another person
11 if those services are rendered without charge to a political committee for any purpose, is
12 considered a contribution.³⁰ However, the Commission’s regulations provide for certain
13 exceptions including, that if an employee is paid on an hourly or salaried basis, no contribution
14 results if the employee engages in political activity during a regular work period, provided that
15 the taken time is made up or completed by the employee within a reasonable time or if the
16 employee uses *bona fide* vacation time or other earned leave time to engage in political
17 activity.³¹

²⁷ 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2(b), Note to Paragraph (b) (explaining that corporations and labor organizations may make contributions to nonconnected political committees that make only independent expenditures, or to separate accounts maintained by nonconnected political committees for making only independent expenditures).

²⁸ 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a).

²⁹ 11 C.F.R. § 100.52(d) (listing examples of goods or services, such as securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists).

³⁰ 52 U.S.C. § 30101(8)(A)(ii); 11 C.F.R. § 100.54.

³¹ 11 C.F.R. § 100.54(a), (c); *see also id.* § 100.54(b) (providing an additional exception “where an employee engages in political activity during normal working hours, if the employee is paid on a commission or piecework

1 Here, Piasecki is a salaried ROC United employee.³² Thus, to the extent he operated the
 2 Putzova campaign Twitter accounts and engaged in any Twitter activity on behalf of the
 3 Committee during his regular work period for ROC United, an in-kind contribution from ROC
 4 United to the Committee could result unless the taken time was made up or completed by
 5 Piasecki within a reasonable time, or if Piasecki used *bona fide* vacation time or other earned
 6 leave time.³³

7 As an initial matter, however, we need to determine whether Piasecki operated the
 8 Putzova campaign Twitter accounts during his ROC United work hours. Piasecki admits that he
 9 “contributed” to the official account, but provides no specific details.³⁴ The Respondents do not
 10 identify who, if not Piasecki, operated the Putzova campaign accounts during business hours
 11 when Piasecki was presumably working for ROC United. Given Piasecki’s role as the
 12 Committee’s Communications Director it is reasonable to infer that his role was significant, but

basis, or is paid only for work actually performed and the employee’s time is considered their own to use as they see fit”); Factual & Legal Analysis at 3-4, MUR 7035 (Bernie 2016) (finding reason to believe committee knowingly received prohibited foreign national contributions by allowing the Australian Labor Party to pay for Australian citizens to work on the Bernie 2016 campaign); Factual & Legal Analysis at 3-5, MUR 7111 (Trump for President, Inc.) (dismissing allegation that committee received a prohibited in-kind corporate contribution from the Trump Organization when the corporation paid a person to provide speechwriting services to the committee and the amount of payment for the services was *de minimis*.); Factual & Legal Analysis at 6-8, MUR 6818 (Allen Weh for Senate) (finding no reason to believe that committee received a prohibited in-kind corporate contribution from the Weh Corporation when the corporation continued to pay a salary to the committee’s campaign director and where the committee paid a separate salary for his work as campaign manager and he maintained a division of responsibilities between the two entities and division of payment of his services); Advisory. Op. 1984-24 (Sierra Club) at 5 (“[O]nce the Club disburses its treasury funds to pay an employee for political services rendered to a Federal candidate..., the Club makes a prohibited corporate contribution or expenditure and a violation of the Act occurs.”).

³² ROC United Resp. at 1.

³³ 11 C.F.R. § 100.54(a). The Complaint asserts that Putzova is an employee of ROC United, but makes no allegations that she too, like Piasecki, worked for the campaign during her ROC United work day.

³⁴ Putzova, Committee, and Piasecki Resp. at 2. ROC United’s Response asserts that the Complaint’s allegation that Piasecki “undertook *all* of the Twitter activity attributable to ROC United, Eva Putzova for Congress and Ms. Putzova personally” is the “product of speculation.” ROC United Resp. at 2 (emphasis in original).

1 it is also possible that others were in control of the account.³⁵ It is also unclear whether and to
2 what extent Piasecki may have posted on Putzova's personal account, which was also used to
3 disseminate campaign messaging. The Complaint presents circumstantial information, based on
4 Twitter usage data, suggesting that he contributed to that account as well.³⁶

5 Weight must also be given to Piasecki's sworn declaration in which he attests: "At no
6 time have I provided any work for the Campaign while being 'on the clock' for ROC. ROC has
7 never compensated me for any work provided for the Campaign."³⁷ Nevertheless, there remain
8 questions as to whether he might have tweeted or performed related work for the Committee
9 during ROC United working time. Piasecki does not identify the hours he was expected to work
10 for ROC United and the Committee, whether he tweeted during his workday for ROC United but
11 subsequently made up the taken time, whether he used *bona fide* vacation time or other earned
12 leave, or otherwise explain the logistics of how he contributed to the campaign Twitter account
13 while separately completing his work for ROC United.³⁸ Moreover, both accounts were

³⁵ For instance, the Committee's disclosure reports show that it paid another person, Abigail Jackson, for "Communications Consulting," which is the same purpose used to describe the Committee's payments to Piasecki. Eva Putzova for Congress, 2020 July Quarterly Rpt. at 434 (July 17, 2020) (reflecting a total of \$3,000 in disbursements to Jackson on May 1 and June 1, 2020); *supra* note 6 (disbursements to Piasecki for "Communications Consulting Services" and "Social Media and Communications Consulting"). In addition, Putzova herself may have contributed to the Twitter account. *See* Putzova, Committee, and Piasecki Resp. at 3 ("Eva Putzova owns both iOS and Android devices with which she engages Twitter.").

³⁶ The Complaint asserts that Putzova's personal account experienced an uptick in tweets from an Android device after she announced her candidacy and that, because Piasecki apparently used an Android device, he must have been operating the account. *See* Compl. at 2; *id.*, Ex. E at 2. However, this conclusion is problematic given the assertion that "Putzova owns both iOS and Android devices with which she engages Twitter." Putzova, Committee, and Piasecki Resp. at 3. The Complaint also attempts to show that Piasecki controlled Putzova's personal account based on the alleged shift in the pattern of tweeting (based on time of day) that supposedly reflects Piasecki move to the East Coast in July 2019. *See* Compl. at 2; *id.*, Ex. D at 1, 5.

³⁷ Piasecki Decl. ¶ 3.

³⁸ *Cf.* Factual & Legal Analysis at 6-8, MUR 6818 (Allen Weh for Senate) (finding no reason to believe that a prohibited in-kind corporate contribution resulted where the committee's campaign manager was also employed by the candidate's corporation given that the campaign manager submitted an affidavit stating that he lessened his time

1 routinely active during standard business hours when, presumably, Piasecki was working for
2 ROC United.³⁹ In sum, given the available information, Piasecki's sworn statement cannot be
3 verified or corroborated.

4 Nevertheless, we do not believe this matter is worth pursuing. As explained above, our
5 analysis of available Twitter data suggests that only a few tweets per day were issued during
6 business hours, suggesting that a significant amount of time was not used. The official campaign
7 account tweeted about 3.2 times per day during business hours (or 0.6 times per day when
8 removing retweets) and, thus, even when considered in the aggregate over the course of the
9 election, this might result in a *de minimis* amount of time. Additionally, as Respondents note,
10 other individuals, besides Piasecki, may have been responsible for these tweets. Accordingly,
11 the limited number of tweets which could be potentially attributed to Piasecki does not appear to
12 result in a potential violation worth pursuing.

13 Additional factors that mitigate against conducting a investigation are that Putzova was a
14 first-time federal candidate⁴⁰ running a non-sophisticated and low-dollar amount campaign⁴¹ in
15 which she lost in the primary election.⁴² Further, an investigation might be a resource-intensive

working for the corporation to work for the campaign, dividing his time between the two entities, and that there was a division of payment for services); 11 C.F.R. § 100.54(c).

³⁹ However, as the Putzova Respondents note, Piasecki's move to New York City indicates that the "tweets would shift to reflect his posting from an earlier time zone." Putzova, Committee, and Piasecki Resp. at 2. Thus, tweets that appear to be during the business hours in Arizona may have been made in the evenings in New York City.

⁴⁰ Putzova was previously elected to the Flagstaff City Council in November 2014 and served a four-year term. <https://evaforcongress.com/about-1/> (last accessed Sept. 3, 2020).

⁴¹ See Eva Putzova for Congress, Amended 12-Day Pre-Primary Rpt. at 3 (Aug. 28, 2020) (reporting total contributions of \$367,557 for the 2020 election cycle).

⁴² See, e.g., First General Counsel's Rpt. at 6, 8, 10, MUR 6840 (All Citizens for Mississippi) (recommending dismissal with caution regarding failure to include a proper disclaimer, dismissal regarding failure to file an independent expenditure report, and dismissal with caution regarding in-kind contribution through republication where advertisement contained a partial disclaimer, the cost of the advertisement was minimal and subsequently

1 process in terms of identifying the authors of the tweets and determining which were attributable
 2 to Piasecki.⁴³

3 Accordingly, we recommend that the Commission dismiss the allegations that ROC
 4 United made, and Putzova, Piasecki, and Eva Putzova for Congress knowingly accepted and
 5 received, in-kind corporate contributions, in violation of 52 U.S.C. § 30118(a), in connection
 6 with Piasecki's salary, as a matter of prosecutorial discretion.⁴⁴

7 **IV. RECOMMENDATIONS**

- 8 1. Dismiss the allegation that Restaurant Opportunities Centers United, Inc., made
 9 in-kind corporate contributions in violation of 52 U.S.C. § 30118(a), in
 10 connection with the salary payments to Piasecki, as a matter of prosecutorial
 11 discretion;
- 12 2. Dismiss the allegation that Eva Putzova, Steven Piasecki, and Eva Putzova for
 13 Congress and Alexandra Perez-Garcia in her official capacity as treasurer
 14 knowingly accepted and received in-kind corporate contributions in violation of
 15 52 U.S.C. § 30118(a), in connection with the salary payments to Piasecki, as a
 16 matter of prosecutorial discretion;
- 17 3. Approve the attached Factual and Legal Analysis;
- 18 4. Approve the appropriate letters; and
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reported, and the campaign materials were only one quarter portion of the advertisement's overall content, and where the activity involved a first-time political committee with individuals inexperienced in federal campaign finance laws); Certification, MUR 6840 at 1-2 (Nov. 23, 2015) (dismissing violations); EPS Dismissal Report at 1-2, MUR 7012 (Mike Sweeney 4 Congress) (recommending dismissal regarding failure to include proper disclaimers on brochures and yard signs by a first-time, low-budget candidate who acted unintentionally); Certification, MUR 7012 at 1 (Nov. 28, 2016) (dismissing violations); First General Counsel's Rpt. at 2, MUR 7643 (America Progress Now) (recommending dismissal with caution regarding failure to include proper disclaimers and file an independent expenditure report where respondent alleged that errors were due to inexperience, amounts were small, and intended to take remedial action); Certification, MUR 7643 at 2 (July 6, 2020) (dismissing allegations); Second General Counsel's Rpt. at 2, MURs 6486 and 6491 (Mark Hicks and JW Management) (recommending that the Commission take no further action after investigation showed that an inexperienced and elderly respondent spent \$10,500 on two billboards and failed to report independent expenditures); Certification, MURs 6486 and 6491 at 1 (Dec. 6, 2012) (taking no further action).

⁴³ See *supra* note 42. Our recommendation would also apply to any related office services that ROC United may have provided to the Committee during the course of Piasecki's activities. See *id.*

⁴⁴ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

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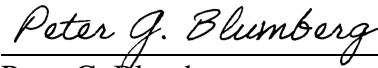
Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel
for Enforcement

10/8/2020

Date

BY:



Peter G. Blumberg
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