



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

August 17, 2021

Thomas R. Mills  
c/o Joan P. Mills

Palm Beach Shore, FL 33404

RE: MUR 7713

Dear Ms. Mills:

On March 4, 2020, the Federal Election Commission (“Commission”) notified Tom Mills Committee to Elect Tom Mills as Commissioner (the “Committee”) and Tom Mills of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the “Act”). On July 29, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that the Committee and Tom Mills violated the Act. The Commission then closed its file in this matter. A copy of the Factual and Legal Analysis, which more fully explains the basis for the Commission’s decision, is enclosed.

The Commission admonishes the Committee for an apparent violation of 52 U.S.C. § 30121. The Committee should take steps to ensure that this activity does not occur in the future. 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). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

*Roy Q. Luckett*

BY: Roy Q. Luckett  
Acting Assistant General Counsel

Enclosure:  
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

1  
2  
3 RESPONDENTS:     Thomas R. Mills                             MUR 7713  
4                             Tom Mills Committee to Elect  
5                             Tom Mills as Commissioner  
6                             Larry Sommers  
7

8 **I.     INTRODUCTION**

9             This matter was generated by a Complaint alleging violations of the Federal Election  
10 Campaign Act of 1971, as amended (“the Act”) and Commission regulations.

11 **II.    FACTUAL AND LEGAL ANALYSIS**

12             Mills acknowledges accepting a \$100 donation from Larry Sommers, a citizen of  
13 Canada.<sup>1</sup> Mills asserts that the donation was accepted in error, was not caught by the campaign’s  
14 Volunteer Deputy Treasurer, and was returned on March 6, 2020.<sup>2</sup> Sommers asserts that he was  
15 unaware that the Act prohibited him, as a foreign national, from making donations to candidates  
16 in the United States.<sup>3</sup>

17             The Act and Commission regulations prohibit any “foreign national” from “directly or  
18 indirectly” making a contribution or donation of money or any other thing of value, or an  
19 expenditure, independent expenditure, or disbursement, in connection with a federal, state, or  
20 local election.<sup>4</sup> The Act’s definition of “foreign national” includes an individual who “is not a  
21 citizen of the United States or a national of the United States . . . and who is not lawfully

---

<sup>1</sup> Mills Resp. at 1 (Mar. 15, 2020); Compl. at 1, Ex. A (Mar. 4, 2020).

<sup>2</sup> Mills Resp. at 1, Ex. B. Mills also attached a copy of a letter to the Florida Election Commission, dated March 11, 2020, acknowledging the \$100 donation and refund along with a notation that his committee will report the refund on its March 13, 2020, state financial disclosure report. *Id.* at Ex. C.

<sup>3</sup> Sommers Resp. at 1 (Mar. 31, 2020).

<sup>4</sup> 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b).

1 admitted for permanent residence[.]”<sup>5</sup>

2           The Act further provides that no person shall knowingly solicit, accept, or receive a  
3 prohibited foreign national contribution or donation.<sup>6</sup> The term “knowingly” is defined as  
4 having “actual knowledge” that the source is a foreign national, or being aware of “facts that  
5 would lead a reasonable person to conclude that there is a substantial probability that” or “facts  
6 that would lead a reasonable person to inquire whether” the source is a foreign national.<sup>7</sup>

7           Respondents do not dispute that Sommers made, and Mills and his campaign accepted, a  
8 prohibited foreign national donation. In light of the modest amount of the donation and the fact  
9 that the donation was refunded relatively soon after its receipt,<sup>8</sup> the Commission exercises its  
10 prosecutorial discretion and dismisses the allegation that Thomas R. Mills, Tom Mills  
11 Committee to Elect Tom Mills as Commissioner, and Larry Sommers violated 52 U.S.C.  
12 § 30121.<sup>9</sup> The Commission admonishes Tom Mills Committee to Elect Tom Mills as  
13 Commissioner and Larry Sommers against future violations of 52 U.S.C. § 30121.

---

<sup>5</sup> 52 U.S.C. § 30121(b); 11 C.F.R. § 110.20(a)(3).

<sup>6</sup> 52 U.S.C. § 30121(a)(2).

<sup>7</sup> 11 C.F.R. § 110.20(a)(4).

<sup>8</sup> The donation was received on January 23, 2020, and returned on March 6, 2020. *See* Compl. at 1, Mills Resp. at 1.

<sup>9</sup> *See Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).