



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

June 1, 2021

**VIA ELECTRONIC MAIL ONLY**

[scrosland@jonesday.com](mailto:scrosland@jonesday.com)

E. Stewart Crosland  
Jones Day  
51 Louisiana Avenue, NW  
Washington, DC 20001

RE: MUR 7737

Trump Victory and Bradley T. Crate in his  
official capacity as treasurer

Dear Mr. Crosland:

On May 21, 2020, the Commission notified your client, Trump Victory and Bradley T. Crate in his official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on May 26, 2021, voted to dismiss the allegation that your client violated 52 U.S.C. § 30121 and 11 C.F.R. § 110.20(g) by accepting a prohibited foreign national contribution, and closed the file in this matter. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

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 Richard L. Weiss, the attorney assigned to this matter, at (202) 694-1021.

Sincerely,

*Mark Allen*

Mark Allen  
Assistant General Counsel

Enclosure

Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Trump Victory and Bradley Crate in his official capacity as treasurer MUR 7737

## I. INTRODUCTION

7       Rahul Manchanda filed a Complaint in MUR 7737 regarding two \$1,000 payments he  
8       made to Trump Victory to purchase tickets to a luncheon event for himself and his wife, who is a  
9       foreign national. Manchanda claims that, unbeknownst to him, Trump Victory treated the  
10       payments for the tickets as campaign contributions of \$1,000 each from him and his wife, which  
11       would result in an impermissible foreign national contribution by his wife, Sylwia Madej  
12       Manchanda (“Madej”), or possibly a contribution made in the name of another by Manchanda.  
13       In response to the Complaint, Trump Victory and Bradley Crate in his official capacity as  
14       treasurer (“Trump Victory”) explained that once Manchanda informed them that both payments  
15       should be attributed to him and not his spouse, they made the correction and amended their  
16       disclosure reports to show two \$1,000 contributions from Manchanda. Trump Victory states that  
17       the Commission should dismiss the Complaint and conclude there were no violations of the  
18       Federal Election Campaign Act of 1971, as amended (the “Act”).

19 For the reasons set forth below, including the potential amount in violation and the other  
20 circumstances of the matter, including the factual ambiguity surrounding whether Madej in fact  
21 made a contribution and Trump Victory's amendment of its report, the Commission dismisses  
22 the allegations and closes the file.

## 23 II. FACTUAL BACKGROUND

24 On July 2, 2019, Manchanda made a \$1,000 payment to Trump Victory, a joint-  
25 fundraising committee of Donald J. Trump for President, Inc., the Republican National

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1 Committee and two state party committees,<sup>1</sup> for a seat at a Trump Victory luncheon event at the  
 2 Bedminster Golf Resort on July 19, 2019.<sup>2</sup> Trump Victory disclosed Manchanda's payment as a  
 3 contribution.<sup>3</sup> Eight days later on July 10, 2019, a second \$1,000 payment was made to Trump  
 4 Victory, which the Committee disclosed as a contribution from Madej, for a seat at the same  
 5 event.<sup>4</sup> Manchanda identifies Madej as his wife and as a Polish citizen and not a legal permanent  
 6 resident of the United States.<sup>5</sup> Manchanda asserts that he made both payments for the tickets  
 7 with his own personal credit cards.<sup>6</sup> According to information provided by Trump Victory in  
 8 response to the Complaint, the two payments were made using different credit cards with  
 9 different addresses and each under the respective payer's own name.<sup>7</sup> However, both payments  
 10 list "info@manchanda-law.com" in the "Customer" field, and for Madej's payment, text in the  
 11 "Events" fields reads "info@manchanda\_law.com was charged \$1,000.00 USD."<sup>8</sup>

12         Although Trump Victory treated the payments for the tickets as campaign contributions,  
 13 Manchanda says that he was under the impression that they were "lunch tickets" rather than

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<sup>1</sup>         Trump Victory, Statement of Organization at 2 (Jan. 15, 2020).

<sup>2</sup>         MUR 7737 Compl. at 1 (May 18, 2020); Trump Victory Resp. ("Resp.") Ex. 1 at 3-6 (June 17, 2020).

<sup>3</sup>         Resp. at 2; Trump Victory 2019 October Quarterly Report at 634 (Oct. 15, 2019).

<sup>4</sup>         See Resp. Ex. 2 at 7-10; see also Trump Victory 2019 October Quarterly Report at 634.

<sup>5</sup>         Compl. at 15.

<sup>6</sup>         *Id.* at 1.

<sup>7</sup>         Resp. Ex. 1 at 3-6, Ex.2 at 7-10. Trump Victory provided donor information in their response for Manchanda's contribution that lists the address of his Wall Street law office that appears at the top of the Complaint. The address for Madej's contribution appears to be their home address as Manchanda requests Trump Victory remove his home address from the July 10 contribution in a May 7, 2020 email attached to the Response as Exhibit 3.

<sup>8</sup>         *Id.*

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1 political contributions and that he was taking his wife as his guest.<sup>9</sup> Manchanda and Madej  
 2 attended the Trump Victory luncheon on July 19, 2019, and, according to Manchanda, “[t]hese  
 3 people knew my wife was a Polish national/citizen because we told them and also she showed  
 4 them her Polish passport when we got there, especially to the Secret Service *et al*, as well as to  
 5 the luncheon organizers.”<sup>10</sup>

6 Subsequently, Manchanda says he noticed, “on or about May 8, 2020,” that Madej was  
 7 listed as making a \$1,000 contribution to Trump Victory on the Commission website.<sup>11</sup> On  
 8 May 7 and May 8, 2020, Manchanda sent emails to Trump Victory staff members indicating that  
 9 his wife was a foreign national and that both \$1,000 payments were made with his personal  
 10 funds.<sup>12</sup> On May 7, 2020, Trump Victory amended its disclosure report, changing the  
 11 contributor of the second \$1,000 contribution from Madej to Manchanda.<sup>13</sup>

### 12 **III. LEGAL ANALYSIS**

13 A “contribution” includes any gift, subscription, loan, advance, or deposit of money or  
 14 “anything of value” made for the purpose of influencing any election for federal office.<sup>14</sup> The  
 15 entire amount paid to attend a fundraiser or other political event is a contribution.<sup>15</sup> The Act  
 16 prohibits persons from soliciting, accepting, or receiving a contribution or donation from a

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<sup>9</sup> Compl. at 15.

<sup>10</sup> *Id.* at 15-16.

<sup>11</sup> *Id.* at 2. The contribution attributed to Sylwia Madej Manchanda was disclosed on the original 2019 October Quarterly Report filed on October 15, 2019 with the Commission. *See* Trump Victory 2019 October Quarterly Report at 634.

<sup>12</sup> Resp. at 1.

<sup>13</sup> *Id.*; Trump Victory Amended 2019 October Quarterly Report at 634 (May 7, 2020).

<sup>14</sup> 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a).

<sup>15</sup> 11 C.F.R. § 100.53

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1 foreign national.<sup>16</sup> Commission regulations state that persons may not knowingly solicit, accept,  
 2 or receive such a contribution or donation.<sup>17</sup> The Act's definition of "foreign national" includes  
 3 an individual who is not a citizen or national of the United States and who is not lawfully  
 4 admitted for permanent residence.<sup>18</sup> Commission regulations define "knowingly" as (i) having  
 5 actual knowledge that funds originated from a foreign national, (ii) being aware of facts that  
 6 would lead a reasonable person to conclude that there is a substantial probability that the source  
 7 of the funds is a foreign national, or (iii) being aware of facts that would lead a reasonable person  
 8 to inquire whether the source of the funds is a foreign national but failed to conduct a reasonable  
 9 inquiry.<sup>19</sup> Provided that a foreign national does not make a contribution of personal funds to  
 10 attend a fundraising event, the Act does not prohibit a foreign national from attending such an  
 11 event.<sup>20</sup> The Act also prohibits making a contribution in the name of another, knowingly  
 12 permitting one's name to be used to effect such a contribution, and knowingly accepting a  
 13 contribution made in the name of another.<sup>21</sup> Finally, the Act requires committee treasurers to  
 14 accurately report the identification of each person who makes an aggregate contribution in

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<sup>16</sup> 52 U.S.C. § 30121(a)(2).

<sup>17</sup> 11 C.F.R. § 110.20(g).

<sup>18</sup> 52 U.S.C. § 30121(b).

<sup>19</sup> *Id.* § 110.20(a)(4); *see also* Contribution Limitations and Prohibitions, 67 Fed. Reg. 69928, 69941 (Nov. 19, 2002) ("The formal rules at 11 C.F.R. § 110.20(a)(4) . . . contain three standards of knowledge [which] focus on the source of the funds at issue.").

<sup>20</sup> See 52 U.S.C. § 30121(a)(1)(B); Advisory Op. 2004-26 (Weller) (finding that a foreign national may "attend fundraising and campaign events . . . provided she does not make a contribution of her personal funds in order to attend.").

<sup>21</sup> See 52 U.S.C. § 30122; *see also* 11 C.F.R. § 110.4(b).

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1 excess of \$200 within a calendar year (or election cycle, in the case of an authorized committee)

2 along with the date and amount of any such contribution.<sup>22</sup>

3 The two \$1,000 payments made for lunch tickets to attend the Trump Victory fundraiser

4 are contributions under the Act.<sup>23</sup> According to the Complaint, Madej is a Polish national, and

5 not a citizen or legal permanent resident of the United States.<sup>24</sup> She is therefore a foreign

6 national and is prohibited from making contributions.<sup>25</sup> However, it is unclear whether Madej or

7 Manchanda made the July 10, 2019 contribution. Manchanda says he made both the July 2 and

8 the July 10 contributions with his personal credit cards.<sup>26</sup> However, the Trump Victory donor

9 information clearly lists the second contribution under Madej's name.<sup>27</sup> Manchanda himself

10 seems to think the contribution might be an impermissible foreign national contribution when he

11 wrote in a May 7, 2020 email to Trump Victory staff that "at the time me and my wife had no

12 idea that green card holders or immigrants could not contribute,"<sup>28</sup> suggesting that Madej may

13 have been the contributor. As for Trump Victory, Manchanda alleges that the committee had

14 knowledge at the time of the event that Madej was a foreign national, because Madej showed her

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<sup>22</sup> See 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 104.3(a)(4)(i).

<sup>23</sup> See 11 C.F.R. § 100.53. See also 52 U.S.C. § 30101(8)(A)(i). The Commission's contributor database shows that Manchanda has made more than a dozen contributions to federal candidates and committees prior and subsequent to the contributions at issue in this case. See [https://www.fec.gov/data/receipts/individual-contributions/?contributor\\_name=manchanda%2Crahul+D](https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=manchanda%2Crahul+D) (last visited Nov. 13, 2020).

<sup>24</sup> Compl. at 15.

<sup>25</sup> See 52 U.S.C. § 30121(b).

<sup>26</sup> If Manchanda funded both contributions, then the contribution attributed to Madej could be seen as a contribution in the name of another. See 52 U.S.C. § 30122; see also 11 C.F.R. § 110.4(b).

<sup>27</sup> Resp. Ex. 2 at 7-10.

<sup>28</sup> See Resp. Exhibit 3 at 12.

1 Polish passport to event organizers.<sup>29</sup> Madej’s attendance at the event by itself is not  
 2 problematic; the Commission has clearly stated that foreign nationals may attend political  
 3 fundraisers and events as long as they do not make a contribution of their personal funds to  
 4 attend.<sup>30</sup> If in fact Madej made the contribution at issue, her identification at the event as a  
 5 foreign national, coupled with conversations Manchanda alleges to have occurred between  
 6 himself and Trump Victory staff after the event took place,<sup>31</sup> could have raised the possibility  
 7 Trump Victory was aware of facts comprising knowledge of a possible foreign national  
 8 contribution.<sup>32</sup> However, it is unclear whether Madej or Manchanda made the July 10, 2019  
 9 contribution.

10 Trump Victory explains that it received an email from Manchanda on May 7, 2020,  
 11 stating that his spouse was ineligible to contribute and that both of these July 2019 contributions  
 12 actually had been made from Manchanda’s personal funds.<sup>33</sup> Trump Victory amended its  
 13 disclosure report that same day to show both contributions from Manchanda, and states that

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<sup>29</sup> Compl. at 15.

<sup>30</sup> See Factual & Legal Analysis at 4, MUR 6946 (Democratic National Committee) (finding no reason to believe the Respondent accepted a prohibited foreign national contribution when the foreign national attended a fundraiser event as the invited guest of her U.S. citizen husband and she did not use her own funds or reimburse her husband for the cost of the tickets to attend the event); *see also* Advisory Op. 2004-26 (Weller) at 3 (stating that a foreign national may attend fundraising and campaign events of political committees, provided she does not make a contribution of her personal funds in order to attend).

<sup>31</sup> Manchanda alleges in the Complaint that he was informed by Trump Victory staff prior to the August 9, 2019, “Bridgehampton Event” that his wife was ineligible to contribute due to her foreign national status. Compl. at 4. The “Bridgehampton Event” refers to a Trump Victory fundraiser that was held in New York on August 9, 2019. See Jennifer Gould, *Trump to fundraise at parties in \$40M Hamptons mansion*, NEW YORK POST (Aug. 7, 2019), <https://nypost.com/2019/08/07/trump-to-fundraise-at-parties-in-40m-hamptons-mansion/>. This would have made Trump Victory aware of a possible foreign national contribution sometime between July 19, 2019 and August 9, 2019. However, we only have Manchanda’s representations regarding this conversation; and the only written information in the record is that Manchanda formally informed Trump Victory on May 7, 2020, via email.

<sup>32</sup> See 11 C.F.R. § 110.20(a)(4) (factors comprising the knowing receipt of a foreign national contribution).

<sup>33</sup> See Resp. at 2; *see also* 11 C.F.R. § 110.20.

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1        “[a]ny inadvertently inaccurate reporting thus has been corrected, no excessive or apparently  
2        prohibited contribution occurred.”<sup>34</sup>

3            Since Trump Victory’s response appears to be credible, it corrected the issue the same  
4        day it was notified, and because the potential amount in violation in this matter is \$1,000, this  
5        matter does not warrant using Commission resources for an investigation to determine the  
6        circumstances of the contribution attributed to Madej, including whether Trump Victory  
7        knowingly accepted a foreign national contribution and whether Manchanda made, and Trump  
8        Victory accepted, a contribution in the name of another. Accordingly, the Commission dismisses  
9        the allegations and closes the file.<sup>35</sup>

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<sup>34</sup>        Trump Victory Amended 2019 October Quarterly Report at 634. Attributing both \$1,000 contributions to Manchanda still leaves him well within the applicable contribution limit, which for Trump Victory is the combined contribution limit of the participating committees. *See* 11 C.F.R. § 102.17(c)(5). *See, e.g.*, 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b)(1)(i); Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 84 Fed. Reg. 2504, 2506 (Feb. 7, 2019) (setting a \$2,800 per-election limit on individual contributions to candidate committees during the 2020 election cycle).

<sup>35</sup>        *See Heckler v. Chaney*, 470 U.S. 821 (1985).