



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

September 30, 2022

**By Federal Express**

Christopher Henry Aragon  
9 East Avenue  
Mullica Hill, NJ 08062-9415

RE: MUR 7738  
Christopher Henry Aragon

Dear Mr. Aragon:

On September 9, 2022, the Federal Election Commission found reason to believe that you violated 52 U.S.C. § 30104(b) of the Federal Election Campaign Act of 1971, as amended (the "Act"), by filing false disclosure reports with the Commission. The Factual and Legal Analysis, which provides the basis for the Commission's finding, is enclosed for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. Any additional materials or statements you wish to submit should accompany the response to this letter. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. *See* 52 U.S.C. § 30109(a)(4).

Please note that you have a legal obligation to preserve all documents, records, and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519. You may consult with an attorney and have an attorney assist you in the preparation of your responses to this letter. If you intend to be represented by counsel, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notification or other communications from the Commission.

In the meantime, this matter will remain confidential in accordance with 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.<sup>1</sup>

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<sup>1</sup> The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

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Please respond to Richard Weiss, the attorney assigned to this matter, at (202) 694-1021 or [rweiss@fec.gov](mailto:rweiss@fec.gov), within 10 days of your receipt of this letter to confirm receipt and discuss next steps. If you have any questions, please contact us.

We look forward to your response.

On behalf of the Commission,

A handwritten signature in blue ink, appearing to read "Allen Dickerson", written over a horizontal line.

Allen Dickerson  
Chairman

Enclosures

Factual and Legal Analysis  
Designation of Counsel Form

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

RESPONDENT: Christopher Henry Aragon MUR 7738

**I. INTRODUCTION**

The Complaint alleges that Americans for Progressive Action USA and Evan Jones in his official capacity as treasurer (the “Committee”) violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by filing false disclosure reports.<sup>1</sup> Based on a press report, the Complaint alleges that the Committee operated as a “scam PAC” and falsely reported receiving \$4,805,000 in contributions and making more than \$2.5 million in independent expenditures on behalf of or in opposition to certain candidates.<sup>2</sup>

Based on the available information and for the reasons set forth below, the Commission finds reason to believe that Christopher Henry Aragon violated 52 U.S.C. § 30104(b) by filing false disclosure reports.

**II. FACTUAL AND LEGAL ANALYSIS****A. Committee Disclosure in Filings with the Commission**

The Committee is an independent-expenditure-only political committee (“IEOPC”) that registered with the Commission on March 6, 2020.<sup>3</sup> Jones is listed as the Committee’s treasurer, and C. H. Richardson Sullivan (“C.H.R. Sullivan”) was originally listed as Designated Agent and

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<sup>1</sup> Compl. at 1 (May 18, 2020).

<sup>2</sup> *Id.* (citing Zach Montellaro, *The Bizarro Tale of a Phantom Super PAC – and Our Sleuthing to Find It*, POLITICO (May 5, 2020), <https://www.politico.com/news/2020/05/05/americans-progressive-action-super-pac-fake-234316> (“Politico Article”)).

<sup>3</sup> Statement of Organization, Americans for Progressive Action USA (Mar. 6, 2020).

1 “CEO.”<sup>4</sup> As alleged in the Complaint and confirmed by publicly available information, there is  
2 reason to question the veracity of most or all of the information and activity disclosed by the  
3 Committee, beginning with the Committee’s Statement of Organization.

4 The Committee reports that its campaign depository is J.P. Morgan Chase, 333 Crescent  
5 Blvd., Dallas, Texas 75013;<sup>5</sup> however, research indicates that there is no such bank at that  
6 address, no “Crescent Blvd.” in Dallas, and the zip code is not associated with Dallas.<sup>6</sup> The  
7 address reported for Jones on the initial disclosures is 112 E. Pecan Street, San Antonio, Texas  
8 78205;<sup>7</sup> later, the Committee’s address changed from 636 Ivy Lane, San Antonio, Texas 78209  
9 to 112 E. Pecan Street, *Suite 1800*, San Antonio, Texas 78205.<sup>8</sup> The law firm Dykema Gossett  
10 PLLC is located at that address and suite number, but no one named Evan Jones is listed on the  
11 firm’s website.<sup>9</sup>

12 Other identifying information could also not be verified. For instance, *Politico*  
13 determined, and we confirmed, that the telephone number listed for the Committee on its

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<sup>4</sup> *Id.*; see Amended Statement of Organization, Americans for Progressive Action USA (Apr. 13, 2020) (removing Sullivan as CEO and Designated Agent and adding Jones as Designated Agent and “Advisor/Atty,” with Jones also remaining treasurer).

<sup>5</sup> Statement of Organization, Americans for Progressive Action USA (Mar. 6, 2020).

<sup>6</sup> The zip code appears to be for Allen, Texas.

<sup>7</sup> Statement of Organization, Americans for Progressive Action USA (Mar. 6, 2020).

<sup>8</sup> 2020 May Monthly Report at 1, Americans for Progressive Action USA (May 20, 2020). The initial address listed for the Committee on its Statement of Organization is C.H.R. Sullivan’s purported address. Statement of Organization, Americans for Progressive Action USA (Mar. 6, 2020). On the Statement of Organization, C.H.R. Sullivan’s address also is listed as 646 Ivy Lane. Statement of Organization at 4, Americans for Progressive Action USA (Mar. 6, 2020). Our research was unable to confirm that Sullivan is associated with either address.

<sup>9</sup> Dykema Gossett PLLC, Offices, San Antonio (last visited Nov. 6, 2020), <https://www.dykema.com/offices-san-antonio.html>.

Statements of Organization appears to be disconnected.<sup>10</sup> When a *Politico* reporter contacted Jones at the email address provided for the Committee on its Statements of Organization, he replied with an email address from the domain ProgressActionUSA.org and reportedly informed them that someone working on a communications team would contact them.<sup>11</sup> No one did so, and *Politico* was unable to reach anyone with the Committee again.<sup>12</sup> There is no live website at progressactionusa.org, but the domain name appears to have been registered on April 28, 2020.<sup>13</sup>

#### 1. Contributions

The first disclosure report filed by the Committee, the 2020 April Quarterly, listed three individual contributors with donations totaling \$4,805,000, as set forth below.<sup>14</sup>

<sup>10</sup> See Politico Article. Our research also indicates that there is no name currently associated with the Committee's phone number and that the phone number may be disconnected.

<sup>11</sup> *Id.* The Committee's provided email address is [REDACTED]

<sup>12</sup> *Id.* Notably, the Committee through its treasurer Jones responded on August 25, 2020, to a courtesy late filing notification from the Commission's Electronic Filing Office, and the notification was sent to the Committee by email to the email address provided by the Committee on its Statement of Organization [REDACTED] and to ejones@progressusa.org. FEC Form 99, Americans for Progressive Action USA (Aug. 25, 2020). The Committee was also notified of the Complaint via email but has not submitted a response. See Letter from Jeff S. Jordan, Asst. Gen. Counsel, FEC, to Evan Jones, Treasurer, Americans for Progressive Action USA (May 26, 2020) (stating that it was sent by email to [REDACTED]).

<sup>13</sup> See Whois Information, *progressiveactionusa.com*, WHO.IS (last visited Nov. 6, 2020), <https://who.is/whois/progressactionusa.org>; see also Politico Article (stating that the domain name "was registered via proxy on the day a reporter initially reached out for comment"). A Twitter account named Americans for Progressive Action USA, @AFPA\_USA, which was created in March 2020, states that it is "building infrastructure and electoral communication to engage America. We will build a powerful progressive base that energizes and empowers the fight!" See Americans for Progressive Action USA (@AFPA\_USA), TWITTER [https://twitter.com/AFPA\\_USA](https://twitter.com/AFPA_USA). Further research indicates that @chrisullivan210, who appears to be the C.H.R. Sullivan affiliated with the Committee, is associated with at least two other similarly named entities with Twitter accounts: Americans for Progressive Action Alliance (@ProgressiveFor) and Americans for Progressive Action Fund (@ProgressiveFnd). A Facebook page for "Americans for Progressive Action," @AmericansForProgressiveAction, was created on June 20, 2013 and does not appear to have been active since that time. See @AmericansForProgressiveAction, Facebook (last visited Nov. 6, 2020), <https://www.facebook.com/AmericansForProgressiveAction/> (containing a website link to [www.progressiveactionusa.com](http://www.progressiveactionusa.com) which appears not to be currently registered). Additionally, an IEOPC named Americans for Progressive Action registered with the Commission in 2013 and terminated in 2014. See Termination Approval, Americans for Progressive Action (Jan. 23, 2014); Statement of Organization, Americans for Progressive Action (June 6, 2013). The treasurer of Americans for Progressive Action confirmed to *Politico* that it "has no affiliation" with the Committee. See Politico Article.

<sup>14</sup> 2020 April Quarterly Report, Americans for Progressive Action USA at 6-7 (Apr. 8, 2020).

Name/Address	Employer/ Occupation	Contribution Date	Contribution Amount
Christopher Richardeson Sullivan <sup>15</sup> 636 Ivy Lane San Antonio, TX 78209	Mariposa Energy LLP Vice Chairman	3/15/2020 3/27/2020 3/31/2020	\$1,000,000 \$1,000,000 \$1,500,000
Vincent E. Sullivan 644 Grandview Place San Antonio, TX 78209	Mariposa Energy LLP Chairman	3/19/2020	\$ 500,000
Henry R. Bass 201 Main Street Fort Worth, TX 76102	ACLU Attorney/Investor	3/19/2020 3/30/2020	\$ 475,000 \$ 330,000
<b>Total:</b>			<b>\$4,805,000</b>

1 These are the only contributions the Committee has disclosed receiving to date. As the  
2 Complaint alleges, *Politico* was unable to locate the contributors, and the ACLU stated that it  
3 had no association with Henry R. Bass.<sup>16</sup>

4 After the Politico Article was published, the Committee filed its May Monthly Report  
5 disclosing full refunds of \$3.5 million to Christopher Richardson Sullivan and \$500,000 to  
6 Vincent E. Sullivan and a partial refund of \$804,000 (of \$805,000 originally reportedly  
7 contributed) to Bass.<sup>17</sup> The purposes of the payments were listed as “refund,” “refund due to  
8 Politico,” and “refund after Montellaro” (author of the Politico Article), respectively.<sup>18</sup> There

<sup>15</sup> On the Statement of Organization, “Richardeson” is spelled “Richardson.” Statement of Organization at 4, Americans for Progressive Action USA (Mar. 6, 2020). Our research did not confirm whether either address or spelling is correct. On the May Monthly report, the name is spelled “Richardson.” 2020 May Monthly Report at 6, Americans for Progressive Action USA (May 20, 2020).

<sup>16</sup> Compl. at 1-2 (citing Politico Article).

<sup>17</sup> 2020 May Monthly Report, Americans for Progressive Action USA (May 20, 2020).

<sup>18</sup> *Id.* The refunds were disbursed prior to the Politico Article’s publication.

remained \$1,000 cash-on-hand, and \$850 was refunded to Bass on May 29, 2020.<sup>19</sup> Beginning in July 2020 and continuing to the present, the Committee reported having no cash-on-hand.<sup>20</sup>

## 2. Disbursements

The Committee has not reported any disbursements on its quarterly or monthly disclosure reports. The Committee filed two 48-Hour reports regarding several independent expenditures totaling over \$2.5 million, all marked as estimates and all without a date of disbursement or obligation. As the Complaint alleges, several of the disbursements appear to be false.<sup>21</sup> The expenditures are as follows:<sup>22</sup>

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<sup>19</sup> 2020 June Monthly Report, Americans for Progressive Action USA (June 19, 2020). The remaining \$150 may have been below the reporting thresholds for disbursements. 52 U.S.C. § 30104(b)(6)(B); 11 C.F.R. § 104.3(b)(3).

<sup>20</sup> 2020 August Monthly Report, Americans for Progressive Action USA (Aug. 25, 2020); 2020 July Monthly Report, Americans for Progressive Action USA (July 20, 2020); *see also* FEC Form 99, Americans for Progressive Action USA (Aug. 25, 2020) (stating that “in response to [the Commission’s] notification of filing late, the committee has been inactive since the [M]ay report, and termination or subsequent no spending would render filing needless, as such the committee apologizes for any misunderstanding and would like to inform the FEC, this committee does not plan to engage in any political spending, and has refunded all contributions.”). The Committee has not filed its 2020 September or October Monthly Reports.

<sup>21</sup> Compl. at 1-2.

<sup>22</sup> 48-Hour Report of Independent Expenditures, Americans for Progressive Action USA (Apr. 26, 2020); 48-Hour Report of Independent Expenditures, Americans for Progressive Action USA (Apr. 27, 2020).

	Vendor Name/ Address	Date of Public Distribution/ Dissemination	Purpose of Expenditure	Amount
48-Hour Report April 26, 2020	Google 1600 Amphitheater Way Mountain View, CA 94043	4/26/2020	AD Cost- estimate	\$212,001.12
		4/26/2020	AD BUY (Estimate)	\$158,722.21
	Dixon Gruper LLC 1325 K St Washington, DC 20007	4/26/2020	AD Production- Estimate	\$187,464.21
	Facebook 1 Hacker Way Menlo Park, CA 94025	4/26/2020	AD Buy- estimate	\$177,831.21
	M3 Media LLC 202 Main St Fort Worth, TX 76102	4/26/2020	AD COST (estimate)	\$108,711.68
	Targeted Media Victory LLP 1028 33rd St NW Washington, DC 20007	4/26/2020	Media Production Cost- Estimate	\$222,149.31
	Verizon 3005 K Street Washington, DC 20007	4/26/2020	AD Cost (Estimate)	\$500,411.47
48-Hour Report April 27, 2020	GmmB Direct 2033 K St [Suite] 450 Washington, DC 20037	4/28/2020	AD Buy and Media Production- Estimate	\$317,612.41
	Cadent Media LLP 50 South St [Suite] 2700 Philadelph[i]a, PA 19012	4/27/2020	Multimedia Ad Production and Purchase- estimate	\$573,412.79
	BlueWest Media LLC 5130 18th Avenue Denver, CO 80220	4/28/2020	AD production and Buy (estimate)	\$109,441.43
<b>Total:</b>				<b>\$2,567,757.84</b>

- 1 Both the Politico Article and our research have identified issues with several of the
- 2 independent expenditures. “Dixon Gruper LLC” appears to be a fictitious company.<sup>23</sup>

<sup>23</sup> See Politico Article; D.C. Dep’t of Consumer and Regulatory Affairs, *CorpOnline, Business Filings Search*, <https://corponline.dcra.dc.gov/Account.aspx/LogOn> (account required) (enter Business Name: Dixon



1 “Targeted Media Victory LLP” also appears to be a fictitious company.<sup>24</sup> Further, there is no  
 2 record of “GmmB Direct;” GMMB is a real company, and they told *Politico* that they did not  
 3 know of the Committee.<sup>25</sup> The address disclosed by the Committee is not GMMB’s actual  
 4 address. “Cadent Media LLP” appears to be a fictitious version of a media company named  
 5 “Cadent” based in Philadelphia, which reportedly has not heard of the Committee.<sup>26</sup> The address  
 6 listed on the 48-Hour Report is also a variation of the company’s correct address, which is 50  
 7 South 16th Street, Suite 2500, Philadelphia, PA 19102.<sup>27</sup>

8 Other vendors listed on the disclosures are real companies whose addresses were  
 9 accurately reported, but there is no record of the Committee conducting business with them. For  
 10 instance, although Google, Facebook, and Verizon are real vendors, there appears to be no record  
 11 of the Committee purchasing advertisements on Google or Facebook,<sup>28</sup> and Verizon reportedly  
 12 said they have no record of doing business with the Committee.<sup>29</sup>

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Gruper). No quadrant of Washington, DC, is provided for the street address, but the 20007 zip code is not associated with that street address in the northwest or northeast quadrants of Washington, DC.

<sup>24</sup> See Politico Article; D.C. Dep’t of Consumer and Regulatory Affairs, *CorpOnline, Business Filings Search* (last visited Nov. 6, 2020), <https://corponline.dhra.dc.gov/Account.aspx/LogOn> (account required) (enter Business Name: Targeted Media Victory or Targeted Media).

<sup>25</sup> See *id.*

<sup>26</sup> See *id.*

<sup>27</sup> Cadent, Contact Us (last visited Nov. 6, 2020), <https://www.cadent.tv/contact/>.

<sup>28</sup> See Google Transparency Report, United States (last visited Nov. 6, 2020), <https://transparencyreport.google.com/political-ads/region/US> (searches for “Americans for Progressive Action,” “Americans for Progressive Action USA,” and “AFPA” yield no results); Facebook Ad Library (last visited Nov. 6, 2020), [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&sort\\_data\[direction\]=desc&sort\\_data\[mode\]=relevancy\\_monthly\\_grouped](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped) (searches for “Americans for Progressive Action,” “Americans for Progressive Action USA,” and “AFPA” yield no relevant results); see also Facebook Ad Library, *Ads from Americans for Progressive Action* (last visited Nov. 6, 2020), [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=all&country=US&view\\_all\\_page\\_id=475903662498950](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=US&view_all_page_id=475903662498950) (demonstrating that a Facebook page for @AmericansForProgressiveAction was created in June 2013, and confirming that the page “[is not] running any ads in any country at this time”).

<sup>29</sup> See *id.*

**B. The Treasurer's Liability under the Act**

The Act requires every political committee to have a treasurer.<sup>30</sup> The treasurer is required to file periodic reports with the Commission disclosing the committee's receipts and disbursements.<sup>31</sup> The treasurer, and any other person required to file any report or statement under the Act, is "personally responsible . . . for the accuracy of any information or statement contained in it."<sup>32</sup> According to Commission policy, a treasurer may be named as a respondent in his or her personal capacity when it appears that, while serving as a treasurer, he or she may have violated obligations imposed by the Act or Commission regulations personally as a treasurer and where, for example, the violations were knowing and willful or "the treasurer recklessly failed to fulfill the duties imposed by law."<sup>33</sup>

Thus, under certain circumstances, the Commission may make findings as to a treasurer in his personal capacity in connection with violations of the Act while performing the duties of the treasurer. The circumstances here warrant a finding of reason to believe that the treasurer violated the Act in his personal capacity because, at a minimum, his actions appear to show a reckless failure to fulfill his duties as treasurer. As the Committee's treasurer, it appears that he filed disclosure reports containing false names of contributors and vendors and even fabricated a bank depository on the Statement of Organization.<sup>34</sup> Accordingly, because the Commission has

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<sup>30</sup> 52 U.S.C. § 30102.

<sup>31</sup> 52 U.S.C. § 30104(a)(1), (b).

<sup>32</sup> 11 C.F.R. § 104.14(d).

<sup>33</sup> See Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 3-6 (Jan. 3, 2005); see, e.g., MUR 5971 (Mary Jennifer Adams); MUR 5610 (Earl Allen Haywood); MUR 5721 (Lockheed Martin Employees' PAC); MUR 7225 (Jack Wu).

<sup>34</sup> The Act addresses knowing and willful violations of the law, which occur when one has knowledge that he or she is violating the law. See 52 U.S.C. § 30109(a)(5)(B), (d); *Federal Election Commission v. John Dramesi for Congress Committee*, 640 F. Supp. 985, 987 (D. N.J. 1986).

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- 1 confirmed the treasurer's identity as Christopher Henry Aragon, using Evan Jones as a
- 2 pseudonym, the Commission finds reason to believe that Christopher Henry Aragon violated
- 3 52 U.S.C. § 30104(b) by filing false disclosure reports.