

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 7747  
 Rev. Rubén Diaz for Congress and )  
 Andreina Cruz in her official capacity as )  
 treasurer; Rev. Rubén Diaz; Fresh Direct )  
 LLC )

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on November 09, 2021, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to:
  - a. Dismiss the allegation that Fresh Direct violated 52 U.S.C. §§ 30104(b) and 30118(a) by making prohibited and unreported in-kind contributions to Rev. Rubén for Diaz for Congress.
  - b. Dismiss the allegation that Rev. Rubén Diaz violated 52 U.S.C. § 30118(a) by accepting prohibited in-kind contributions from Fresh Direct LLC.
  - c. Dismiss the allegation that Rev. Rubén Diaz for Congress and Andreina Cruz in her official capacity as treasurer violated 52 U.S.C. §§ 30104(b) and 30118(a) by accepting prohibited and unreported in-kind contributions from Fresh Direct LLC.
  - d. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated October 29, 2020.
  - e. Approve the appropriate letters.
  - f. Close the file.

Commissioners Broussard, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Cooksey, Dickerson, and Trainor dissented.

2. Failed by a vote of 3-3 to:

- a. Dismiss the allegation that Fresh Direct violated 52 U.S.C. §§ 30104(b) and 30118(a) by making prohibited and unreported in-kind contributions to Rev. Rubén for Diaz for Congress.
- b. Dismiss the allegation that Rev. Rubén Diaz violated 52 U.S.C. § 30118(a) by accepting prohibited in-kind contributions from Fresh Direct LLC.
- c. Dismiss the allegation that Rev. Rubén Diaz for Congress and Andreina Cruz in her official capacity as treasurer violated 52 U.S.C. §§ 30104(b) and 30118(a) by accepting prohibited and unreported in-kind contributions from Fresh Direct LLC.
- d. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated October 29, 2020, subject to the edits last circulated by Commissioner Cooksey's Office on November 8, 2021 at 12:53 p.m.
- e. Approve the appropriate letters.
- f. Close the file.

Commissioners Cooksey, Dickerson, and Trainor voted affirmatively for the motion.

Commissioners Broussard, Walther, and Weintraub dissented.

3. Decided by a vote of 6-0 to:

- a. Dismiss the allegation that Fresh Direct violated 52 U.S.C. §§ 30104(b) and 30118(a) by making prohibited and unreported in-kind contributions to Rev. Rubén for Diaz for Congress.
- b. Dismiss the allegation that Rev. Rubén Diaz violated 52 U.S.C. § 30118(a) by accepting prohibited in-kind contributions from Fresh Direct LLC.
- c. Dismiss the allegation that Rev. Rubén Diaz for Congress and Andreina Cruz in her official capacity as treasurer violated 52

U.S.C. §§ 30104(b) and 30118(a) by accepting prohibited and unreported in-kind contributions from Fresh Direct LLC.

- d. Approve the appropriate letters.
- e. Close the file.

Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.



Attest:

Vicktoria J Allen

Digitally signed by Vicktoria J  
Allen  
Date: 2021.11.15 15:51:28 -05'00'

Vicktoria J. Allen  
Acting Deputy Secretary of the  
Commission