

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7760
 Hickenlooper for Colorado and Mark)
 Turnage in his official capacity as)
 treasurer; John Hickenlooper; SMP and)
 Rebecca Lambe in her official capacity)
 as treasurer)

CERTIFICATION

I, Viktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on November 29, 2022, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 1-5 to:
 - a. Find reason to believe that SMP and Rebecca Lambe in her official capacity as treasurer violated 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R. § 110.1(b)(1) by making an excessive in-kind contribution to Hickenlooper for Colorado and violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(b) by failing to report an in-kind contribution.
 - b. Dismiss the allegation that John Hickenlooper and Hickenlooper for Colorado and Mark Turnage in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by knowingly accepting an excessive in-kind contribution.
 - c. Dismiss the allegation that Hickenlooper for Colorado and Mark Turnage in his official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(a) by failing to report an in-kind contribution.
 - d. Draft Factual and Legal Analyses consistent with these findings.

- e. Enter into pre-probable cause conciliation with SMP and Rebecca Lambe in her official capacity as treasurer.
- f. Approve the proposed Conciliation Agreement, as recommended in the First General Counsel's Report dated October 20, 2022.
- g. Approve the appropriate letters.

Commissioner Weintraub voted affirmatively for the motion. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Trainor dissented.

2. Failed by a vote of 1-5 to:

- a. Find reason to believe that SMP and Rebecca Lambe in her official capacity as treasurer violated 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R. § 110.1(b)(1) by making an excessive in-kind contribution to Hickenlooper for Colorado and violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(b) by failing to report an in-kind contribution.
- b. Find no reason to believe that John Hickenlooper and Hickenlooper for Colorado and Mark Turnage in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by knowingly accepting an excessive in-kind contribution.
- c. Find no reason to believe that Hickenlooper for Colorado and Mark Turnage in his official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(a) by failing to report an in-kind contribution.
- d. Approve the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated October 20, 2022.
- e. Enter into pre-probable cause conciliation with SMP and Rebecca Lambe in her official capacity as treasurer.
- f. Approve the proposed Conciliation Agreement, as recommended in the First General Counsel's Report dated October 20, 2022.
- g. Approve the appropriate letters.

Commissioner Broussard voted affirmatively for the motion. Commissioners Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub dissented.

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

Dismiss as an exercise of prosecutorial discretion the allegations that SMP and Rebecca Lambe in her official capacity as treasurer violated 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R. § 110.1(b)(1) by making an excessive in-kind contribution to Hickenlooper for Colorado and violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(b) by failing to report an in-kind contribution.

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

4. Decided by a vote of 5-1 to:

- a. Find no reason to believe that John Hickenlooper and Hickenlooper for Colorado and Mark Turnage in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by knowingly accepting an excessive in-kind contribution.
- b. Find no reason to believe that Hickenlooper for Colorado and Mark Turnage in his official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(a) by failing to report an in-kind contribution.
- c. Direct the Office of General Counsel to revise the Factual and Legal Analyses to be consistent with these findings.

Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Trainor voted affirmatively for the decision. Commissioner Weintraub dissented.

Attest:



Vicktoria J Allen

Digitally signed by Vicktoria J
 Allen
 Date: 2022.12.01 16:29:41 -05'00'

Vicktoria J. Allen
 Acting Deputy Secretary of the
 Commission