

1 **FEDERAL ELECTION COMMISSION**

2
3 **FIRST GENERAL COUNSEL’S REPORT**

4
5 **MUR: 7763**

6 DATE COMPLAINT FILED: July 17, 2020

7 DATE OF NOTIFICATIONS: July 24, 2020

8 LAST RESPONSE RECEIVED: Aug. 7, 2020

9 DATE ACTIVATED: Oct. 29, 2020

10
11 EXPIRATION OF SOL: Aug. 9, 2024–Feb. 15, 2025

12 ELECTION CYCLES: 2016, 2018, 2020

13
14 **COMPLAINANT:**

Garry R. Kirkland

15
16 **RESPONDENTS:**

Casper for Colorado and Matt Arnold in his official
capacity as treasurer

18 Casper Wesley Stockham

19
20 **RELEVANT STATUTES
21 AND REGULATIONS:**

52 U.S.C. § 30104(b)(6)

21 52 U.S.C. § 30114(b)

22 11 C.F.R. § 104.3(b)

23 11 C.F.R. § 113.1(g)

24
25 **INTERNAL REPORTS CHECKED:**

Disclosure Reports

26
27 **FEDERAL AGENCIES CHECKED:**

None

28 **I. INTRODUCTION**

29 The Complaint alleges that Casper Wesley Stockham, a 2020 congressional candidate,
30 converted campaign funds from his authorized committee, Casper for Colorado and Matt Arnold
31 in his official capacity as treasurer (the “Committee”), to personal use in violation of the Federal
32 Election Campaign Act of 1971, as amended (the “Act”). Specifically, the Complaint alleges
33 that Stockham used campaign funds for vehicle expenses unrelated to the campaign, utilities,
34 moving expenses, and personal Amazon purchases. In addition, the Complaint alleges that
35 Stockham received an impermissible salary from the Committee, and that the Committee failed
36 to report Stockham’s salary. Related to the salary payments, the Complaint alleges that the
37 Committee made payments to Stockham’s LLC to allow Stockham “to withdraw money for

1 himself.” If the payments to the LLC amounted to salary payments, then they were not reported
2 correctly. Respondents generally deny the allegations, but Stockham acknowledges that his use
3 of Committee funds in connection with his vehicle may have been problematic.

4 As discussed below, the available information supports the conclusion that Stockham
5 converted campaign funds to personal use in connection with his vehicle and utility expenses.
6 Moreover, it appears that the Committee’s payments to Stockham’s LLC should have been
7 treated and reported as salary payments to Stockham. The record before the Commission also
8 suggests that the payments to the LLC and other direct salary payments to Stockham did not
9 comply with the Commission’s regulations because they were either excessive or made outside
10 the time period within which candidate salary payments are permitted.

11 Therefore, we recommend that the Commission find reason to believe that Stockham and
12 the Committee violated 52 U.S.C. § 30114(b) by converting campaign funds to personal use, and
13 that the Committee additionally violated 52 U.S.C. § 30104(b)(6) and 11 C.F.R. § 104.3(b) by
14 failing to accurately report salary payments to Stockham. We further recommend that the
15 Commission enter into pre-probable cause conciliation with Stockham and the Committee.

16 **II. FACTUAL BACKGROUND**

17 Casper Stockham was a 2020 candidate in Colorado’s 7th Congressional District.¹ He
18 ran as the Republican candidate but was defeated in the general election.² Casper for Colorado

¹ Stockham originally registered as a candidate in Colorado’s 6th Congressional District, but switched to the 7th District in April 2020. Casper Wesley Stockham, Original Statement of Candidacy (July 1, 2019), <https://docquery.fec.gov/pdf/197/201907019150438197/201907019150438197.pdf>; Casper Wesley Stockham, Amended Statement of Candidacy (Apr. 6, 2020), <https://docquery.fec.gov/pdf/356/202004069216597356/202004069216597356.pdf>.

² Stockham ran unopposed and won the Republican primary on June 30, 2020, and lost the general election on November 3, 2020. COLO. SEC’Y STATE, COLORADO ABSTRACT OF VOTES CAST FOR THE JUNE 30, 2020 STATE PRIMARY ELECTION at 19 (July 27, 2020), <https://www.sos.state.co.us/pubs/elections/files/2020StatePrimaryResultsCert.pdf> (reporting Stockham won 100% of the vote in the primary election); COLO. SEC’Y STATE, COLORADO ABSTRACT OF VOTES CAST FOR THE NOVEMBER 3, 2020 GENERAL ELECTION at 57-58 (Dec. 8, 2020), <https://www.sos.state.co.us/pubs/elections/files/2020GeneralElectionAbstract.pdf>.

1 was his authorized campaign committee with Matt Arnold serving as treasurer.³ During the
 2 2020 election, the Committee raised \$147,959 and spent the same amount.⁴ Stockham, who also
 3 ran for Congress in 2016 and 2018, is a driver for Uber and Lyft.⁵

4 The Complaint alleges that, during the 2020 election, Stockham converted Committee
 5 funds to personal use in the categories elaborated below. Though Stockham generally denies the
 6 allegations, he states that “[i]f I am in error as it pertains to the FEC filings I am happy and ready
 7 to comply and correct.”⁶

8 **Vehicle Expenses** — The Complaint alleges that Stockham used campaign funds for
 9 payments related to his occupation as an Uber and Lyft driver, including auto repairs, tolls, and
 10 purchases at Wal-Mart and Sam’s Club that the Complaint infers must have been for gasoline.⁷

sos.state.co.us/pubs/elections/Results/2020/StateAbstractCertAndReportSigned.pdf (reporting Stockham lost with 37.6% of the vote in the general election to his opponent’s 59.1%).

³ Casper for Colorado, Amended Statement of Organization (Apr. 1, 2020), <https://docquery.fec.gov/pdf/441/202004069216597441/202004069216597441.pdf>. The Committee states that Arnold is “not integrated” into campaign operations and “relies upon information supplied by the candidate/committee” regarding disbursements. Committee Resp. at 2 (Aug. 7, 2020).

⁴ *Casper for Colorado – Financial Summary*, FEC.gov, <https://www.fec.gov/data/committee/C00710855/?tab=summary> (last visited Feb. 10, 2021).

⁵ Stockham Resp. at 1 (Aug. 7, 2020). In 2016 and 2018, Stockham was a candidate in Colorado’s 1st District, and though “Casper for Colorado” was the name of his committee in those elections, after each election cycle, Stockham terminated his committee and formed a new committee for the next election with the same name. See Charles (Casper) Wesley Stockham, Statement of Candidacy (Jan. 11, 2018), <https://docquery.fec.gov/pdf/256/201801119090394256/201801119090394256.pdf>; Casper for Colorado, Statement of Organization (Jan. 11, 2018), <https://docquery.fec.gov/pdf/256/201801119090394256/201801119090394256.pdf>; Casper for Colorado, Termination Report (Dec. 6, 2018), <https://docquery.fec.gov/pdf/317/201812069134879317/201812069134879317.pdf>; *Casper for Colorado—About This Committee*, FEC.GOV, <https://www.fec.gov/data/committee/C00665588/?cycle=2018&tab=about-committee> (last visited Feb. 10, 2021); Charles Wesley (“Casper”) Stockham, Amended Statement of Candidacy (Oct. 10, 2015), <https://docquery.fec.gov/pdf/438/201510190300028438/201510190300028438.pdf>; Casper for Colorado, Amended Statement of Org. (Oct. 10, 2015), <https://docquery.fec.gov/pdf/430/201510190300028430/201510190300028430.pdf>; Casper for Colorado, Termination Report (Jan. 3, 2017), <https://docquery.fec.gov/pdf/498/201701039040912498/201701039040912498.pdf>; *Casper for Colorado—About This Committee*, FEC.GOV, <https://www.fec.gov/data/committee/C00585265/?tab=about-committee&cycle=2018> (last visited Feb. 10, 2021).

⁶ Stockham Resp. at 3.

⁷ Compl. at 2 (July 17, 2020). The Complaint’s inference appears to be based in part on the proximity of Stockham’s residence to Sam’s Club and Wal-Mart, and that these merchants sell gasolines at these locations. *Id.* at

1 The Committee paid \$1,079 for auto repairs; \$1,290 for tolls; and \$3,026 at Wal-Mart and Sam's
 2 Club.⁸ It appears that Stockham's previous campaign committees made similar payments.
 3 Stockham's 2016 committee paid \$1,288 in tolls, as well as \$1,210 at Wal-Mart and Sam's Club;
 4 Stockham's 2018 committee paid \$1,036 to Wal-Mart and Sam's Club.⁹ The Complaint
 5 contends that, given Stockham's profession as a ride-sharing driver, the frequency and amount of
 6 the payments, and the location of alleged gasoline and toll purchases along "lucrative UBER
 7 routes," these expenditures indicate personal use of campaign funds.¹⁰

8 Stockham states that, as an Uber and Lyft driver, he routinely used his vehicle for non-
 9 campaign purposes but that, at the same time, he was using the vehicle to promote his campaign
 10 and speak with potential voters.¹¹ Accordingly, Stockham acknowledges that "there may be a
 11 little overlap" between campaign and non-campaign vehicle expenses.¹² Regarding a \$5,000
 12 car-repair expense that he incurred, Stockham states that he "had the campaign pay \$810.73," but
 13 does not explain the rationale for this apportionment, or otherwise describe whether or how he
 14 might have apportioned any of the other vehicle expenses.¹³ The Committee asserts that it is
 15 "perfectly legal" to apportion personal and campaign vehicle expenses "[s]o long as adequate

2. The Committee's reports indicate that these expenditures were for, *e.g.*, campaign supplies. Attach. 1, tbl. 1 (showing Stockham's vehicle expenditures).

⁸ Attach. 1, tbl. 1. We note that the Complaint was filed prior to the end of the election cycle, and as such refers to lower amounts than those that appear in the Committee's reports for the whole cycle.

⁹ *Id.*

¹⁰ Compl. at 2 (arguing that the payments were "for the specific purpose of funding a business entity . . . that has absolutely nothing to do with the operations of a political campaign").

¹¹ Stockham Resp. at 1 ("During my campaigns I have spoken directly to over 8,000 people, over the past few years, about my campaign and have campaign signs on my car as I drive around town.").

¹² *Id.*

¹³ *Id.*

1 records are kept distinguishing such use, and costs are apportioned among the different uses,” but
2 does not submit that any records were kept here.¹⁴ Regarding the alleged gasoline purchases at
3 Wal-Mart and Sam’s Club, Stockham contends that the payments were not for vehicle expenses
4 but, as reported on disclosure reports, for unspecified “campaign related items.”¹⁵

5 **Utilities** — The Complaint alleges that the Committee’s two disbursements to Comcast
6 totaling \$339 were for Stockham’s personal residence given that Stockham ran his campaign out
7 of his home.¹⁶ Stockham acknowledges that the charges were for his personal residence, but
8 states that they were necessary to “maintain communications, websites, emails [sic] newsletters
9 and phones from that location.”¹⁷ Stockham’s 2018 committee similarly reported \$434 in
10 disbursements to Comcast.¹⁸

11 **Amazon** — The Complaint alleges that the Committee’s reported payments to Amazon
12 for “campaign materials,” which totaled \$2,146 during the 2020 election, are “highly suspect,” in
13 light of the alleged pattern of converting campaign funds to personal use, but does not provide
14 any specific information that the items purchased were for non-campaign-related purposes.¹⁹
15 Stockham states that the payments were for “marketing materials, equipment, supplies and other
16 purchases.”²⁰

¹⁴ Committee Resp. at 2.

¹⁵ Stockham Resp. at 1; *see* Committee Resp. at 3.

¹⁶ Compl. at 3; Attach. 1, tbl. 2 (showing utility expenditures).

¹⁷ Stockham Resp. at 2; *see* Committee Resp. at 3.

¹⁸ Attach. 1, tbl. 2.

¹⁹ Compl. at 3; Attach. tbl. 3 (showing Amazon expenditures). Stockham’s 2016 committee reported \$429 in such disbursements. *Id.*

²⁰ Stockham Resp. at 2; *see* Committee Resp. at 3.

1 **Payments to Candidate-Owned LLC** — UBG Online LLC (“UBG”) is a Colorado
 2 limited liability company which incorporated in 2003 and is owned by Stockham.²¹ During the
 3 2020 election, the Committee paid \$19,100 to UBG for various purposes, including “social
 4 media marketing,” “campaign marketing,” and “social media GOTV.”²² Similarly, during the
 5 2018 election, Casper’s former committee paid \$11,211 in disbursements to UBG, all reported
 6 for the purpose of “website SEO marketing,” and during the 2016 election, Stockham’s former
 7 committee paid \$8,350 to UBG for various purposes, including “SEO marketing” and “SEO
 8 campaign online marketing,” among others.²³

9 The Complaint alleges that the Committee’s payments to UBG were not for legitimate
 10 campaign services but rather a way for Stockham “to withdraw money for himself.”²⁴ Stockham
 11 asserts that UBG “has done a lot of work for the campaign” and that it is not a “shell
 12 company.”²⁵ Attached to Stockham’s Response are several example invoices from UBG to the
 13 Committee for services rendered, each of which matches a reported expenditure by the

²¹ *Business Entity Details*, COLO. SEC’Y OF STATE, <https://www.sos.state.co.us/biz/BusinessEntityCriteriaExt.do?resetTransTyp=Y> (last visited Feb. 10, 2021) (search “UBG online”). Stockham, who refers to UBG in his Response as “my company,” is listed as UBG’s registered agent on its Articles of Organization and his wife is listed as an “initial member;” no other person is listed on UBG’s Articles of Organization and no other names appear on any UBG state filing. Stockham Resp. at 1; UBG ONLINE LLC, ARTICLES OF ORGANIZATION 1 (Apr. 15, 2003), <https://www.sos.state.co.us/biz/ViewImage.do?masterFileId=20031121143&fileId=20031121143>; *Business Entity Details*, *supra*. From 2003, when the company was founded, to the present, Stockham has been responsible for filing all documents with the Colorado Secretary of State. *Id.* UBG became delinquent for failure to file reports with the Colorado Secretary of State on August 1, 2018, which was cured on June 3, 2019. *Id.*; UBG ONLINE LLC, STATEMENT CURING DELINQUENCY (June 3, 2019), <https://www.sos.state.co.us/biz/ViewImage.do?masterFileId=20031121143&fileId=20191467203>.

²² Other purposes include “website conversion,” “website setup configuration,” “campaign website[] conversion/archiving,” “website SEO work” “campaign SEO work,” and “campaign data archiving and wrapup work.” Attach. 1, tbl. 4 (showing all expenditures to UBG made by the Committee and Stockham’s previous committees).

²³ *Id.*

²⁴ Compl. at 2-3. At the time of the Complaint, the amount of such payments was \$6,250.

²⁵ Stockham Resp. at 1-2.

1 Committee to UBG.²⁶ Stockham does not provide any additional details about UBG other than
2 that “it does not make a lot of money each year and most years it has made no income at all.”²⁷
3 It is unclear whether UBG has any employees besides Stockham, and it does not appear to have
4 any public internet presence. No other political committees have reported any disbursements to
5 UBG.²⁸

6 **Candidate Salary** — The Complaint alleges that Stockham received a salary from the
7 Committee before he was legally permitted to do so and that the Committee failed to report the
8 salary.²⁹ The allegations are based on Stockham’s statements referring to salary payments of
9 approximately \$1,500 month that he appears to acknowledge receiving from the Committee in or
10 around February 2020.³⁰ The Complaint asserts that Stockham was not permitted to take a salary
11 until he received his party’s nomination on April 18, 2020, more than two months after making

²⁶ *Id.* at 2 (“We have included a few invoices to show that work. I am happy to provide all the invoices if requested.”). *Compare id.*, Attachs. 1-3, with Attach. 1, tbl 4. The invoices reflect UBG’s provision of services and do not indicate reimbursements for payments made by Stockham on behalf of the Committee. Stockham Resp., Attachs. 1-3.

²⁷ Stockham Resp. at 2.

²⁸ *FEC Disbursements: Filtered Results*, FEC.gov, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=UBG&two_year_transaction_period=2010&two_year_transaction_period=2012&two_year_transaction_period=2014&two_year_transaction_period=2016&two_year_transaction_period=2018&two_year_transaction_period=2020 (showing all reported disbursements to UBG since the 2010 election cycle, all of which were by the Committee or Stockham’s prior committees).

²⁹ Compl. at 1-2.

³⁰ *Id.* In an email to supporters on February 15, 2020 Stockham wrote that FEC rules allow a candidate to be paid a salary by his campaign and that in his case the salary “has been on average a little over \$1500 a month.” Compl., Ex. 2 at 3 (emphasis omitted). In an interview with *Colorado Politics*, he stated that he was entitled to \$4,500 per month and that the campaign had been paying him “like \$1,500 or whatever.” Compl., Ex. 1 at 2 (attaching Ernest Luning, *Perennial GOP Candidate Casper Stockham Sent Contributions to His Own Company, Records Show*, COLO. POL. (June 17, 2020), https://www.coloradopolitics.com/news/perennial-gop-candidate-casper-stockham-sent-contributions-to-his-own-company-records-show/article_e0d09ebc-b010-11ea-87aa-5b29eeb20b9c.html).

1 the first statement that he was receiving a salary, and points out that the Committee's FEC
2 disclosure reports did not reflect any salary payments to Stockham during this time.³¹

3 Stockham denies that, as of the date of his Response in August 2020, he had received a
4 salary from the Committee and maintains that his statements "were wishful thinking on my part.
5 I was trying to say that even if all the false claims [Complainant] was making were true and
6 added up they would still come to less than what the campaign could legitimately pay me."³² In
7 his Response, however, Stockham states the Committee "will start to pay me a candidate salary
8 at the end of each month starting the end of July 2020."³³ Between July 31 and November 3,
9 2020, the Committee reported a series of five \$2,000 monthly salary payments (totaling \$10,000)
10 to Stockham.³⁴

11 **Moving** — The Complaint alleges that the Committee's payment of "Office Moving
12 Expenses" totaling \$420 to Kaleem Howze is suspect because "Stockham has always run his
13 campaign from his home and thus it is unclear why he would list payments [for moving]."³⁵
14 Stockham states that, while he runs his campaign from his home, the payments related to an
15 instance when he moved certain equipment "to a new storage location."³⁶

³¹ Compl. at 2, 3.

³² Stockham Resp. at 2; *see* Committee Resp. at 2-3 ("The campaign *has not paid* Mr. Stockham a salary to date.") (emphasis in original). In fact, the Committee had paid its first salary to Stockham on July 31, 2020, but disclosure reports otherwise confirm that the Committee had not previously reported any such payments. Attach. 1, tbl. 5.

³³ Stockham Resp. at 1. Though the Response was sent to the Commission on August 7, 2020, this language in the Response indicates that it was written prior to the end of July 2020.

³⁴ Attach. 1, tbl. 5 (showing salary payments). Stockham's 2018 and 2016 committees did not report salary payments to Stockham.

³⁵ Compl. at 3; Attach. 1, tbl. 6 (showing expenditure made to Kaleem Howze for "office moving").

³⁶ Stockham Resp. at 2; *see* Committee Resp. at 3.

1 **III. LEGAL ANALYSIS**

2 **A. The Commission Should Find Reason to Believe that the Committee Failed to**
 3 **Accurately Report Disbursements for Stockham's Salary**

4 Prior to addressing the Complaint's allegation of personal use, we must first identify the
 5 extent of potential personal use, including whether the payments to UBG, Stockham's consulting
 6 firm, were arm's-length transactions or in fact amounted to salary payments to Stockham that
 7 were not properly reported. The Act and Commission regulations require political committees to
 8 report the name and address of each person to whom they make disbursements aggregating more
 9 than \$200 per calendar year, or per election cycle for authorized committees, as well as the date,
 10 amount, and purpose of such payments.³⁷ The reporting requirements are intended to ensure
 11 public disclosure of "where political campaign money comes from and how it is spent,"³⁸ as well
 12 as "deter[] and help[] expose violations" of the Act and Commission regulations.³⁹

13 The Act and Commission regulations "are silent with respect to any definition or
 14 description of the person to whom an expenditure is made. Moreover, they do not address the
 15 concepts of ultimate payees, vendors, agents, contractors, or subcontractors in this context."⁴⁰

³⁷ 52 U.S.C. § 30104(b)(6); 11 C.F.R. § 104.3(b).

³⁸ Factual & Legal Analysis at 8, MUR 6724 (Bachmann for President, *et al.*) (quoting *Buckley v. Valeo*, 424 U.S. 1, 66 (1976)).

³⁹ *SpeechNow.org v. FEC*, 599 F.3d 686, 698 (D.C. Cir. 2010) (*en banc*) ("But the public has an interest in knowing who is speaking about a candidate and who is funding that speech . . . [f]urther, requiring disclosure of such information deters and helps expose violations of other campaign finance restrictions . . ."); *Buckley*, 424 U.S. at 67-68 (explaining that disclosure "deter[s] actual corruption and avoid[s] the appearance of corruption" and that "recordkeeping, reporting, and disclosure requirements are an essential means of gathering the data necessary to detect violations" of the Act); *Citizens United v. FEC*, 558 U.S. 310, 369-71 (2010) (recognizing that "transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages").

⁴⁰ Advisory Op. 1983-25 (Mondale) at 2 [hereinafter Mondale Opinion]. The Commission has also addressed the issue of reporting ultimate payees of political committee disbursements in situations not applicable to the facts of the instant matter, relating to reimbursements for out-of-pocket expenses, payments to credit card companies, and unreimbursed disbursements by candidates. *See* Reporting Ultimate Payees of Political Committee Disbursements, 78 Fed. Reg. 40,625, 40,626-27 (July 8, 2013).

1 However, the Commission concluded in Advisory Opinion 1983-25 (Mondale) (the “Mondale
2 Opinion”) that payments to other persons, “which are made to purchase services or products used
3 in performance of [a vendor’s] contract with the Committee,” do not have to be separately
4 reported.⁴¹ The Commission considered several factors in its analysis as to whether “further
5 itemization of payments made by [vendors] to others” is required, including whether: (1) the
6 vendor had a legal existence as a corporation separate from the operations of the committee;
7 (2) the vendor’s principals held any staff positions with the committee; (3) the committee
8 conducted arm’s-length negotiations with the vendor; (4) the vendor was required to devote its
9 “full efforts” to the contract and expected to have contracts with other campaigns and entities;
10 and (5) the committee had an interest in the vendor’s other contracts.⁴² The Commission has
11 further determined that reporting the immediate recipient of a disbursement will not satisfy the
12 Act’s reporting requirements when the facts indicate that the recipient is “merely a conduit for
13 the intended recipient of the funds.”⁴³

14 Given that UBG was not “separate and distinct” from Stockham and the Committee,
15 based on the available information, it appears that the Committee was required to report
16 payments to UBG as payments to Stockham.⁴⁴ Applying the factors of the Mondale Opinion,
17 UBG does have a “legal existence as a corporation separate from the operations of the

⁴¹ Mondale Opinion at 2; *see also* Factual & Legal Analysis at 12, MUR 6510 (Kirk for Senate, *et al.*) (holding that “a committee need not separately report its consultant’s payments to other persons — such as those payments for services or goods used in the performance of the consultant’s contract with the committee”).

⁴² Mondale Opinion at 3.

⁴³ Factual & Legal Analysis at 9, MUR 6724 (Bachmann for President, *et al.*).

⁴⁴ *See* Factual & Legal Analysis at 12, MUR 6510 (Kirk for Senate, *et al.*) (finding that, where a vendor was “separate and distinct” from a committee, among other factors, the committee did not have to report payments made by the vendor to its subcontractors, the ultimate payees).

1 [C]ommittee,” as it was originally incorporated in Colorado on April 15, 2003, and is listed as in
2 “good standing” as of the writing of this Report.⁴⁵ However, UBG’s principal, Stockham, held
3 not just a “staff position[] with the [C]ommittee” but indeed was the candidate, and we have seen
4 no indication that UBG was, or even could have been, retained by the Committee via “arm’s
5 length negotiations.” It further appears that UBG was required to devote its “full efforts” to
6 Stockham’s campaign, as no federal committee other than Stockham’s authorized committees
7 has ever reported any disbursement to UBG and there are no indications that UBG had non-
8 political clients.⁴⁶ Finally, Stockham, as the owner of UBG, “had an interest” in all contracts to
9 which UBG was a party. Under the standards applied by the Commission in the Mondale
10 Opinion, which have been followed in subsequent matters, UBG was not separate and distinct
11 from the campaign and, as such, the Committee was required to report payments to UBG as
12 payments to Stockham.⁴⁷ Moreover, as detailed in the next section, these payments from the
13 Committee to UBG (which, in effect, were payments to Stockham) obscured what should have

⁴⁵ *Business Entity Details*, COLO. SEC’Y OF STATE, <https://www.sos.state.co.us/biz/BusinessEntityCriteriaExt.do?resetTransTyp=Y> (last visited Feb. 10, 2021) (search “UBG online”).

⁴⁶ *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=UBG&two_year_transaction_period=2004&two_year_transaction_period=2006&two_year_transaction_period=2008&two_year_transaction_period=2010&two_year_transaction_period=2012&two_year_transaction_period=2014&two_year_transaction_period=2016&two_year_transaction_period=2018&two_year_transaction_period=2020&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited Feb. 10, 2021) (showing all disbursements to UBG since 2003). Though the available information does not include whether UBG had other clients that were not federal political committee, Stockham’s statements in his Response regarding how little income UBG generally makes indicate that, to the extent UBG might have had other clients, they likely required minimal time and resources.

⁴⁷ *See, e.g.*, Factual & Legal Analysis at 12, MUR 6510 (Kirk for Senate, *et al.*) (finding that a vendor was separate and distinct from the committee; that the vendor provided services to other political campaigns during the same time period; that the committee had no interest in the vendor’s contracts; that no individual associated with the vendor held a position with the committee; and that the committee engaged the vendor through an arms-length transaction, and that, as a result, the committee needed only report its disbursements to the primary vendor, not payments the primary vendor made to the subcontractor).

1 been treated as salary payments.⁴⁸

2 Therefore, the Commission should find reason to believe that the Committee violated
3 52 U.S.C. § 30104(b)(6) and 11 C.F.R. § 104.3(b) by failing to accurately report disbursements.

4 **B. The Commission Should Find Reason to Believe that Stockham and the**
5 **Committee Converted Campaign Funds to Personal Use**

6 The Act prohibits the conversion of campaign funds by any person to “personal use.”⁴⁹
7 “Personal use” is the use of funds in a campaign account “to fulfill a commitment, obligation or
8 expense of any person that would exist irrespective of the candidate’s campaign or duties as a
9 Federal officeholder.”⁵⁰ The Act and Commission regulations list certain uses of campaign
10 funds that constitute *per se* conversion to personal use including a home mortgage, rent, utility
11 payments, and non-campaign-related automobile expenses.⁵¹ For other payments, the
12 “Commission will determine, on a case-by-case basis, whether other uses” of campaign funds
13 constitute personal use by applying the “irrespective test,” that is, whether the payment fulfills a
14 commitment, obligation, or expense that would exist irrespective of the candidate’s campaign or
15 duties as a federal officeholder.⁵²

⁴⁸ As noted above, the Commission has determined that reporting the immediate recipient of a disbursement will not satisfy the Act’s reporting requirements where the recipient is “merely a conduit for the intended recipient of the funds.” Factual & Legal Analysis at 9, MUR 6724 (Bachmann for President, *et al.*); *see* Conciliation Agreement ¶ IV.6, MUR 4872 (Jenkins for Senate) (conciliating where committee routed payments through a third party to conceal its relationship with the ultimate recipient was therefore required to report the disbursements as made to the ultimate recipient).

⁴⁹ 52 U.S.C. § 30114(b).

⁵⁰ 11 C.F.R. § 113.1(g).

⁵¹ 52 U.S.C. § 30114(b)(2)(A)-(I); 11 C.F.R. § 113.1(g).

⁵² 11 C.F.R. § 113.1(g)(1)(ii).

1 Under the personal use provision, a candidate is permitted to receive a salary from his or
2 her principal campaign committee, subject to rules governing the timing and amount.⁵³ As for
3 timing, the committee shall not pay a salary to a candidate before the filing deadline for access to
4 the primary election ballot for the federal office that the candidate seeks, as determined by state
5 law.⁵⁴ If the candidate wins the primary, his or her principal campaign committee may pay him
6 or her a salary through the date of the general election.⁵⁵ The amount of the candidate's salary
7 shall not exceed the lesser of: (1) the minimum salary paid to a federal officeholder holding the
8 office that the candidate seeks or (2) the earned income that the candidate received during the
9 year prior to becoming a candidate.⁵⁶ Should the minimum salary paid to a federal officeholder
10 be the lesser figure, any earned income that a candidate receives from salaries or wages from any
11 other source during his or her candidacy shall count against this sum.⁵⁷ During the time period
12 in which a principal campaign committee may pay a salary to a candidate, such payment must be
13 computed on a *pro-rata* basis.⁵⁸ The payment of a salary to candidates that do not meet these
14 conditions is considered *per se* personal use.⁵⁹

⁵³ 52 U.S.C. § 30114(b)(2); 11 C.F.R. § 113.1(g)(1)(i)(I).

⁵⁴ 11 C.F.R. § 113.1(g)(1)(i)(I).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.* Upon request of the Commission, the candidate must provide evidence of earned income. *Id.*

⁵⁸ *Id.* This is intended to prevent a candidate's principal campaign committee from paying the candidate the entire minimum annual salary for the Federal office sought by the candidate, unless he or she is a candidate, as defined by 11 C.F.R. § 100.3(a), for at least one year. *See* Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds; 67 Fed. Reg. 76,962, 76,972 [hereinafter Personal Use E&J] (Dec. 13, 2002).

⁵⁹ *Id.*; Personal Use E&J at 76,972.

1 As explained below, based on the available information, it appears that Stockham
2 impermissibly converted Committee funds to personal use with respect to the vehicle and
3 utilities expenses. The record further indicates that Stockham received an impermissible salary
4 from the Committee. With respect to the moving expenses and Amazon purchases, there is no
5 information to support an inference that these payments were for personal use.

6 1. Vehicle Expenses

7 Though Stockham claims to have promoted his campaign to his riders,⁶⁰ this does not
8 convert the expenses which arose out of his employment with Uber and Lyft from personal to
9 campaign related.⁶¹ Hanging campaign signs in the vehicle and speaking with customers about
10 his campaign does not change the fact that his customers entered the vehicle as part of a separate
11 business transaction, irrespective of his campaign. Thus, Stockham would have incurred the
12 vehicle expenses regardless of his candidacy. Moreover, it does not appear that Stockham or the
13 Committee kept any records of vehicle usage to account for the apportionment between personal
14 and campaign-related activities.⁶² Indeed, neither Stockham nor the Committee point to any
15 campaign use of the vehicle besides Stockham's driving for Uber and Lyft customers and
16 speaking with them about his campaign. Accordingly, it appears that charges for auto repairs
17 (\$1,079) during the 2020 cycle and tolls during the 2016 and 2020 cycles (\$2,578), totaling

⁶⁰ Stockham Resp. at 1.

⁶¹ Given that Stockham arguably used corporate resources to advertise his campaign to Uber and Lyft customers, there is a question as to whether Stockham received in-kind corporate contributions from the two ride-hailing companies. In a matter involving free political ads on a stock car used in NASCAR racing, the Commission found that the ads constituted in-kind contributions, valued at the amount for which the space where they appeared could have been rented by other sponsors. Factual & Legal Analysis at 5-7, MUR 5563 (Kirk Shelmerdine Racing, LLC). However, in light of the personal use allegations for which there is well-developed record supporting that the Commission enter pre-probable cause conciliation, we make no recommendation as to this potential violation.

⁶² 11 C.F.R. § 113.1(g)(1)(ii)(D); *see* Second Gen. Counsel's Rpt. at 10-11, MUR 6498 (Lynch for Congress) (recommending conciliation regarding personal use where candidate made expenditures for gasoline, tolls, and parking for a vehicle driven for mixed purposes but did not maintain records of the use).

1 \$3,657, were for personal use.⁶³ However, the alleged gasoline charges at Wal-Mart and Sam's
2 Club, totaling \$5,272, are in dispute. In his Response, Stockham suggests, but does not
3 equivocally state, that purchases at Wal-Mart and Sam's Club were not for gasoline, and the
4 Committee's reports indicate that purchases at these vendors were for, *e.g.*, "campaign
5 supplies."⁶⁴ Given Stockham's acknowledgement that he paid for vehicle repairs using
6 campaign funds, it would have been logical to have also used campaign funds for gasoline.
7 Nevertheless, many of the individual disbursements to Wal-Mart and Sam's Club are in amounts
8 inconsistent with gasoline purchases;⁶⁵ for this reason and those stated above, we are not
9 including these amounts in the amount in violation for the purposes of calculating a potential
10 civil penalty in this matter.

11 2. Utilities

12 The Committee's payment of Comcast bills for Stockham's personal residence totaling
13 \$339, and his 2018 committee's payment of \$434 for the same, is *per se* personal use despite the
14 fact that Stockham operated his campaign out of his home.⁶⁶ Commission regulations make
15 clear that personal use includes "utility payments for any part of any personal residence of the

⁶³ Given the unique facts of this case, involving a driver who engages in campaign activity while driving for Uber and Lyft, it appears that Stockham's personal use for vehicle expenses likely extends back to similar payments made by his 2016 and 2018 campaign committees. Stockham Resp. at 1 (explaining that he has been campaigning while driving for Uber and Lyft during his multiple "campaigns" and claiming to have "spoken directly to over 8,000 people").

⁶⁴ *Id.* at 2 ("The campaign does shop at Wal-Mart because of their proximity and their supplies are normally cheaper than other stores. These items were all campaign related items."); Attach. 1, tbl. 1.

⁶⁵ For example, multiple disbursements were made for amounts greater than \$100, and others for as little as \$3. Attach. 1, tbl. 1.

⁶⁶ *See id.*; Committee Resp. at 3. Though we do not have specific information, it is reasonable to infer that Stockham ran his 2018 campaign from his home as well. *See FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00665588&two_year_transaction_period=2018 (last visited Feb. 10, 2021) (showing all disbursements by Stockham's 2018 committee).

1 candidate or a member of the candidate's family," and the Commission has previously held that
2 the prohibition extends to instances where a candidate's home doubles as his or her campaign
3 headquarters.⁶⁷

4 3. Salary

5 As stated above, federal candidates may receive a salary from their principal campaign
6 committees starting the date of the filing deadline for access to the primary election ballot for the
7 office the candidate seeks, until the date of the general election (assuming that the candidate was
8 successful in the primary election).⁶⁸ Applied here, March 17, 2020, was the first date on which
9 Stockham was permitted to receive a salary and, because he won the primary election,
10 November 3, 2020, was the final day he was permitted to receive a salary.⁶⁹ Moreover, as
11 relevant here, the amount of a candidate salary shall not exceed the candidate's earned income
12 during the year prior to becoming a candidate.⁷⁰ Though we do not have specific information on
13 Stockham's 2018 earned income, in statements to the media, Stockham claimed that he was

⁶⁷ 11 C.F.R. § 113.1(g)(1)(E)(1); *see, e.g.*, Factual & Legal Analysis at 6, MUR 6380 (Friends of Christine O'Donnell, *et al.*) (finding reason to believe a candidate who ran her campaign from her primary residence had converted campaign funds to personal use by paying her mortgage and utility bills); *see also* *FEC v. O'Donnell*, 209 F. Supp. 3d 727, 734-36 (D. Del. 2016) (holding O'Donnell's payments of rent constituted personal use and requiring O'Donnell to disgorge converted funds and pay a \$25,000 civil penalty).

⁶⁸ 11 C.F.R. § 113.1(g)(1)(i)(I). The Complaint appears mistaken as a matter of law as to which date applies to the Act's salary provision. *Compare* 11 C.F.R. § 113.1(g)(1)(i)(I) ("Salary shall not be paid to a candidate before **the filing deadline for access to the primary election ballot** for the Federal office that the candidate seeks, as determined by State law" (emphasis added)) *with* Compl. at 3 ("Mr. Stockham was not even eligible to begin taking a salary from his campaign . . . until April 18th . . . **when he became the official candidate** for District 7." (emphasis added)).

⁶⁹ COLO. SEC'Y STATE, 2020 ELECTION CALENDAR at 4 (Sept. 15, 2020), <https://www.sos.state.co.us/pubs/elections/calendars/2020ElectionCalendar.pdf> (listing March 17, 2020, as the "[l]ast day to file major party candidate petitions"); FEC, 2020 CONGRESSIONAL PRIMARY DATES AND CANDIDATE FILING DEADLINES FOR BALLOT ACCESS (July 17, 2020), <https://www.fec.gov/resources/cms-content/documents/2020pdates.pdf> (listing March 17, 2020 as "FILING DEADLINE FOR PRIMARY BALLOT ACCESS" for Colorado).

⁷⁰ 11 C.F.R. § 113.1(g)(1)(i)(I).

1 entitled to \$4,500 per month (equating to a \$54,000 yearly salary).⁷¹ As explained below, based
2 on the available information, it appears that Stockham received impermissible salary payments
3 before and after the operative dates and, further, that one of the payments was excessive
4 because it was not computed on a *pro-rata* basis.

5 On February 15, 2020, Stockham claimed in an email to his supporters that he was
6 receiving a monthly salary from the Committee of approximately \$1,500.⁷² Stockham reiterated
7 this claim to *Colorado Politics*.⁷³ Nonetheless, both Stockham and the Committee contend that
8 Stockham did not, in fact, receive any salary until July 31, 2020.⁷⁴ Stockham claims that his
9 February 15, 2020, email and subsequent interview were “wishful thinking.” Given the
10 specificity of the amount and the indication that the payments had been occurring on a routine
11 basis — “in fact it has been on average a little over \$1500 a month” — this contention does not
12 appear credible. An alternative explanation is that Stockham may have been referring, at least in
13 part, to the payments to his LLC for work he performed on behalf of the campaign.⁷⁵ As detailed
14 in the prior section, under the Commission’s ultimate payee analysis, the disbursements to UBG
15 should have been also been reported as payments to Stockham.⁷⁶ Because Stockham was the

⁷¹ Compl., Ex. 1 at 2, Ex. 2 at 3.

⁷² Compl., Ex. 2 at 3 (emphasis omitted).

⁷³ Compl., Ex. 1 at 2.

⁷⁴ Stockham Resp. at 2; Committee Resp. at 2, 3.

⁷⁵ Attach. 1, tbl. 4. The monthly totals paid to UBG during the 2020 election cycle are: July 2019: \$300; August 2019: \$1,750; September 2019: \$0; October 2019: \$2,200; November 2019: \$1,000; December 2019: \$1,000; January 2020: \$1,300; February 2020: \$500; March 2020: \$300; April 2020: \$700; May-June 2020: \$0; July 2020: \$2,500; August 2020: \$500; September 2020: \$1,500; October 2020: \$2,000; November 2020: \$3,000; December 2020: \$550. *Id.*

⁷⁶ *Supra* Part III.A (recommending that the Commission find reason to believe that the Committee failed to accurately report the payments to UBG as salary payments to Stockham).

1 LLC's owner, any payments to the LLC for services Stockham provided to the Committee were
2 effectively salary payments made by the Committee, through the LLC, to Stockham. Therefore,
3 for the purposes of the analysis below as to whether Stockman received an impermissible salary,
4 the payments to the LLC must be included as well.

5 Accordingly, payments that the Committee made to UBG prior to March 17, 2020, in the
6 amount of \$8,050, constitute impermissible salary payments because they occurred prior to when
7 Stockham was permitted to receive a salary. Payments that the Committee made to UBG after
8 November 3, 2020, totaling \$2,550, constitute impermissible salary payments because they
9 occurred after the final date that Stockham was permitted to receive a salary.⁷⁷ Stockham
10 appears to have similarly received impermissible salary payments during the 2018 and 2016
11 election cycles: prior to the date on which Stockham could first receive a salary (totaling \$1,850)
12 and after the date of the general election (\$1,711).⁷⁸ The aggregate across all three cycles is
13 \$14,161.⁷⁹

14 Finally, during the time that Stockham was permitted to receive a salary, the Committee
15 made an excessive salary payment to Stockham that was not computed on a *pro-rata* basis.
16 Stockham received monthly salary payments of \$2,000 between July and October 2020, paid
17 between the 22nd and 31st of the month.⁸⁰ The Committee paid Stockham an additional \$2,000

⁷⁷ *Id.*

⁷⁸ Attach. 1, tbl. 4; FEC, 2018 CONGRESSIONAL PRIMARY DATES AND CANDIDATE FILING DEADLINES FOR BALLOT ACCESS (Aug. 17, 2018), <https://www.fec.gov/resources/cms-content/documents/2018pdates.pdf> (showing ballot access deadline of March 20, 2018, and general election date of November 6); FEC, 2016 CONGRESSIONAL PRIMARY DATES AND CANDIDATE FILING DEADLINES FOR BALLOT ACCESS (Apr. 21, 2016), <https://www.fec.gov/resources/cms-content/documents/2016pdates.pdf> (showing ballot access deadline of April 20, 2016, and general election date of November 8).

⁷⁹ Attach. 1, tbl. 4.

⁸⁰ Attach. 1, tbl. 5.

1 on November 3, 2020.⁸¹ Assuming, *arguendo*, that Stockham was entitled to \$4,500 a month, as
2 he publicly claimed, Stockham would have been permitted to receive \$450 for November 1
3 through November 3 ($\$4,500 \div 30 \text{ days} = \150 per day ; $\$150 \times 3 \text{ days} = \450).⁸² The remaining
4 \$1,550 was therefore excessive, since Stockham was not permitted to receive any salary after
5 November 3, 2020, the date of the general election.

6 4. Moving Costs and Amazon Purchases

7 The Complaint alleges that reported “Office Moving Expenses” could not constitute valid
8 campaign expenditures, as Stockham runs his campaign from his home.⁸³ However, Stockham
9 states that the disbursements were to move campaign equipment to a new storage location.⁸⁴ The
10 Complaint also alleges that various payments to Amazon were “suspect.”⁸⁵ Stockham states that
11 payments to Amazon were for marketing materials, equipment, and supplies.⁸⁶ The Complaint
12 lacks sufficient information to support these allegations, both of which are denied by Stockham,
13 and we are aware of no other information that directly supports them, other than the separate

⁸¹ *Id.*

⁸² As stated above, Stockham has stated publicly that he believes that he is entitled to a campaign salary of \$4,500 per month, which would lead to an annual salary of \$54,000. *See* Compl., Ex. 1 at 2, Ex. 2 at 3. Stockham has not provided evidence of his income from the year prior to becoming a candidate, so we are unable at this time to determine whether this amount is the permissible sum. Presuming that this amount is accurate, Stockham’s reported salary payments of \$2,000 per month (\$24,000 per annum) are within the permissible range. Adding payments to UBG during the relevant time frame to Stockham’s direct salary payments, the total only once exceeded \$4,500, by \$50 in November 2020. However, all payments in excess of \$450 that month, and those made after November 3, were already *per se* personal use as they were outside the permitted timeframe for Stockham to receive a salary from the Committee.

⁸³ Compl. at 3.

⁸⁴ Stockham Resp. at 2; Committee Resp. at 3.

⁸⁵ *See* Compl. at 3 (“Mr. Stockham lists a campaign expense on Jan. 2, 2020 to Amazon for Campaign Marketing Materials. Again, this expense is highly suspect.”).

⁸⁶ Stockham Resp. at 2.

1 alleged overall pattern of personal use. Accordingly, there is no reasonable basis to conclude
2 that the moving costs and Amazon purchases were necessarily for personal use.⁸⁷

3 * * *

4 In conclusion, the available information supports a reasonable inference that Stockham
5 converted Committee funds to personal use in connection with: (1) vehicle expenses, totaling
6 between \$2,369 and \$8,929.37, depending on whether the potential gasoline payments at Wal-
7 Mart and Sam's Club are included; (2) utilities, totaling \$773; and (3) impermissible salary
8 payments, totaling \$15,711. The range is between \$18,853 and \$25,413.

9 Therefore, we recommend that the Commission find reason to believe that Stockham and
10 the Committee violated 52 U.S.C. § 30114(b) by converting campaign funds to personal use, and
11 that the Committee violated 52 U.S.C. § 30104(b)(6) and 11 C.F.R. § 104.3(b) by failing to
12 accurately report its disbursements.

13

14

15

16

17

⁸⁷ Statement of Reasons, Comm'rs Mason, Sandstrom, Smith, & Thomas at 1, MUR 4960 (Clinton for U.S. Exploratory Comm.) ("The Commission may find 'reason to believe' only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the [Act].").

MUR 7763 (Casper for Colorado, *et al.*)

First General Counsel's Report

Page 21 of 23

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

MUR 7763 (Casper for Colorado, *et al.*)

First General Counsel's Report

Page 22 of 23

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

1 **V. RECOMMENDATIONS**

- 2 1. Find reason to believe that Casper Wesley Stockham and Casper for Colorado and
 3 Matt Arnold in his official capacity as treasurer violated 52 U.S.C. § 30114(b) by
 4 converting campaign funds to personal use;
- 5 2. Find reason to believe that Casper for Colorado and Matt Arnold in his official
 6 capacity as treasurer violated 52 U.S.C. § 30104(b)(6) and 11 C.F.R. § 104.3(b)
 7 by failing to accurately report disbursements;
- 8 3. Enter into conciliation with Casper Wesley Stockham and Casper for Colorado
 9 and Matt Arnold in his official capacity as treasurer;
- 10 4. Approve the attached Factual and Legal Analyses;
- 11 5. Approve the attached Conciliation Agreement; and
- 12 6. Approve the appropriate letters.

13 Lisa J. Stevenson
 14 Acting General Counsel

15 Charles Kitcher
 16 Acting Deputy General Counsel for
 17 Enforcement
 18

19
 20
 21 February 25, 2021

22 Date

23 Peter G. Blumberg
 24 Peter G. Blumberg
 25 Acting Deputy Associate General
 26 Counsel for Enforcement

27 Claudio Pavia
 28 Claudio J. Pavia
 29 Acting Assistant General Counsel
 30

31 Justine A. di Giovanni
 32 Justine A. di Giovanni
 33 Attorney
 34

35
 36 Attachments:

- 37 Tables of Relevant Expenditures
 38 Factual and Legal Analysis — Casper Wesley Stockham
 39 Factual and Legal Analysis — Casper for Colorado
 40

**MUR 7763 (Casper for Colorado, et al.)
Tables of Relevant Expenditures**

Table 1—Alleged Vehicle Expenses¹

Date	Recipient	Description	Amount
Tolls			
12/20/2015 ²	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$28.20
4/6/2016	E470 EXPRESS TOLLS	TRAVEL EXPENSES (TOLLS)	\$26.40
4/10/2016	E470 EXPRESS TOLLS	TRAVEL EXPENSES (TOLLS)	\$27.70
4/16/2016	E470 EXPRESS TOLLS	TRAVEL EXPENSE (TOLLS)	\$26.60
4/22/2016	E470 EXPRESS TOLLS	TRAVEL EXPENSE (TOLLS)	\$32.25
4/25/2016	E470 EXPRESS TOLLS	TRAVEL EXPENSE (TOLLS)	\$27.95
4/30/2016	E470 EXPRESS TOLLS	TRAVEL EXPENSE (TOLLS)	\$27.40
5/12/2016	E470 EXPRESS TOLLS	TRAVEL EXPENSE (TOLLS)	\$32.40
5/21/2016	E470 EXPRESS TOLLS	TRAVEL EXPENSE (TOLLS)	\$36.70
5/26/2016	E470 EXPRESS TOLLS	TRAVEL EXPENSE (TOLLS)	\$36.65
6/3/2016	E470 EXPRESS TOLLS	TRAVEL EXPENSE (TOLLS)	\$36.30
6/10/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$30.30
6/18/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$30.10
6/26/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$32.40
6/30/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$28.55
7/6/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$32.20
7/12/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$27.40
7/16/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$26.35
7/20/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$29.95
7/25/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$27.45
7/30/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$25.75

¹ For data in all tables, see *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00585265&two_year_transaction_period=2016&two_year_transaction_period=2018 (last visited Feb. 8, 2021) (showing all disbursements by Stockham’s 2016 committee); *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00665588&two_year_transaction_period=2018 (last visited Feb. 8, 2021) (showing all disbursements by Stockham’s 2018 committee); *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?committee_id=C00710855&two_year_transaction_period=2020&data_type=processed (last visited Feb. 8, 2021) (showing all disbursements by the Committee).

² Outside the statute of limitations.

**MUR 7763 (Casper for Colorado, et al.)
Tables of Relevant Expenditures**

Date	Recipient	Description	Amount
8/4/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$26.70
8/9/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$25.65
8/12/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$31.40
8/16/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$25.15
8/21/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$33.30
8/29/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$29.45
9/2/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$27.55
9/9/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$29.45
9/17/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$29.45
9/21/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$26.35
9/22/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$33.25
9/26/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$27.45
9/28/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$28.25
10/5/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$25.20
10/11/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$25.20
10/19/2016	E470 EXPRESS TOLLS	CAMPAIGN-RELATED TRAVEL (TOLLS)	\$28.00
10/23/2016	E470 EXPRESS TOLLS	TRAVEL (TOLLS)	\$29.45
10/28/2016	E470 EXPRESS TOLLS	TRAVEL (TOLLS)	\$41.05
10/31/2016	E470 EXPRESS TOLLS	TRAVEL (TOLLS)	\$27.15
11/3/2016	E470 EXPRESS TOLLS	TRAVEL (TOLLS)	\$26.00
11/8/2016	E470 EXPRESS TOLLS	TRAVEL (TOLLS)	\$26.45
11/13/2016	E470 EXPRESS TOLLS	TRAVEL (TOLLS)	\$31.15
11/16/2016	E470 EXPRESS TOLLS	TRAVEL (TOLLS)	\$25.95
10/13/2019	E-470 EXPRESS TOLLS	TOLLS	\$34.50
10/17/2019	E-470 EXPRESS TOLLS	TOLLS	\$47.30
10/18/2019	E-470 EXPRESS TOLLS	TOLLS	\$28.05
10/20/2019	E-470 EXPRESS TOLLS	TOLLS	\$31.25
10/21/2019	E-470 EXPRESS TOLLS	TOLLS	\$25.35

**MUR 7763 (Casper for Colorado, et al.)
Tables of Relevant Expenditures**

Date	Recipient	Description	Amount
10/24/2019	E-470 EXPRESS TOLLS	TOLLS	\$48.70
10/29/2019	E-470 EXPRESS TOLLS	TOLLS	\$30.30
10/30/2019	E-470 EXPRESS TOLLS	TOLLS	\$33.55
10/31/2019	E-470 EXPRESS TOLLS	TOLLS	\$27.10
11/3/2019	E-470 EXPRESS TOLLS	TOLLS	\$26.65
11/6/2019	E-470 EXPRESS TOLLS	TOLLS	\$41.90
11/8/2019	E-470 EXPRESS TOLLS	TOLLS	\$57.85
11/11/2019	E-470 EXPRESS TOLLS	TOLLS	\$38.90
11/12/2019	E-470 EXPRESS TOLLS	TOLLS	\$28.85
11/13/2019	E-470 EXPRESS TOLLS	TOLLS	\$25.70
11/14/2019	E-470 EXPRESS TOLLS	TOLLS	\$31.25
11/15/2019	E-470 EXPRESS TOLLS	TOLLS	\$33.80
11/18/2019	E-470 EXPRESS TOLLS	TOLLS	\$28.00
11/21/2019	E-470 EXPRESS TOLLS	TOLLS	\$48.95
11/22/2019	E-470 EXPRESS TOLLS	TOLLS	\$31.75
11/27/2019	E-470 EXPRESS TOLLS	TOLLS	\$25.85
12/4/2019	E-470 EXPRESS TOLLS	TOLLS	\$28.35
12/6/2019	E-470 EXPRESS TOLLS	TOLLS	\$43.25
12/11/2019	E-470 EXPRESS TOLLS	TOLLS	\$26.70
12/15/2019	E-470 EXPRESS TOLLS	TOLLS	\$28.35
12/18/2019	E-470 EXPRESS TOLLS	TOLLS	\$27.10
12/19/2019	E-470 EXPRESS TOLLS	TOLLS	\$31.50
12/27/2019	E-470 EXPRESS TOLLS	TOLLS	\$30.65
12/30/2019	E-470 EXPRESS TOLLS	TOLLS	\$29.50
1/1/2020	E-470 EXPRESS TOLLS	TOLLS	\$25.30
1/7/2020	E-470 EXPRESS TOLLS	TOLLS	\$34.35
1/13/2020	E-470 EXPRESS TOLLS	TOLLS	\$28.10
1/17/2020	E-470 EXPRESS TOLLS	TOLLS	\$34.60
1/19/2020	E-470 EXPRESS TOLLS	TOLLS	\$34.10
1/24/2020	E-470 EXPRESS TOLLS	TOLLS	\$25.10
2/3/2020	E-470 EXPRESS TOLLS	TOLLS	\$34.65
2/7/2020	E-470 EXPRESS TOLLS	TOLLS	\$35.10
2/17/2020	E-470 EXPRESS TOLLS	TOLLS	\$36.85
2/26/2020	E-470 EXPRESS TOLLS	TOLLS	\$30.40
Tolls total:			\$2,577.50

Date	Recipient	Description	Amount
Auto Repair and Vehicle Service			
8/9/2019	SERVICE STREET	VEHICLE SERVICE	\$810.73
1/3/2020	SERVICE STREET AUTO REPAIR	AUTO REPAIRS	\$268.00
Service/Repair Total:			\$1,078.73

**MUR 7763 (Casper for Colorado, et al.)
Tables of Relevant Expenditures**

Date	Recipient	Description	Amount
Alleged Gasoline Purchases			
10/18/2015 ³	SAM'S CLUB #4816	CAMPAIGN OFFICE SUPPLIES	\$232.20
10/30/2015 ³	SAM'S CLUB #4816	CAMPAIGN SUPPLIES	\$42.96
12/12/2015 ³	WALMART #5137	CAMPAIGN SUPPLIES	\$12.38
12/16/2015 ³	SAM'S CLUB #4816	CAMPAIGN EVENT MATERIALS	\$106.41
6/25/2016	WALMART #5137	CAMPAIGN SUPPLIES	\$15.98
7/6/2016	WALMART #5137	OFFICE SUPPLIES	\$32.36
7/15/2016	WALMART #5137	CAMPAIGN SUPPLIES	\$72.46
7/31/2016	WALMART #5137	CAMPAIGN SUPPLIES	\$18.36
8/7/2016	WALMART SUPERCENTER	CAMPAIGN SUPPLIES	\$110.16
8/7/2016	WALMART SUPERCENTER	CAMPAIGN SUPPLIES	\$153.32
8/14/2016	WALMART SUPERCENTER	CAMPAIGN SUPPLIES	\$69.15
8/26/2016	WALMART #5137	CAMPAIGN SUPPLIES	\$39.62
9/16/2016	WALMART SUPERCENTER	CAMPAIGN SUPPLIES	\$71.83
9/25/2016	WALMART SUPERCENTER	CAMPAIGN SUPPLIES	\$59.26
4/29/2018	WAL-MART SUPER	CAMPAIGN MATERIALS	\$58.60
5/4/2018	WAL-MART SUPER	CAMPAIGN OFFICE SUPPLIES	\$136.08
6/4/2018	WAL-MART SUPER	CAMPAIGN SUPPLIES	\$15.13
6/6/2018	WAL-MART SUPER	OFFICE SUPPLIES	\$21.85
6/11/2018	WAL-MART SUPER	CAMPAIGN EVENT SUPPLIES	\$122.16
6/17/2018	WAL-MART SUPER	OFFICE SUPPLIES	\$25.88
7/9/2018	WAL-MART SUPER	CAMPAIGN SUPPLIES	\$79.46
7/14/2018	WAL-MART SUPER	CAMPAIGN SUPPLIES	\$34.94
8/16/2018	WAL-MART SUPER	CAMPAIGN SUPPLIES	\$75.68
8/20/2018	WAL-MART SUPER	OFFICE SUPPLIES	\$36.66
8/24/2018	WAL-MART SUPER	OFFICE SUPPLIES	\$72.31
8/29/2018	WAL-MART SUPER	OFFICE SUPPLIES	\$37.77
8/30/2018	WAL-MART SUPER	CAMPAIGN MATERIAL	\$55.17
9/10/2018	WAL-MART SUPER	OFFICE SUPPLIES	\$58.11
9/13/2018	WAL-MART SUPER	OFFICE SUPPLIES	\$67.99
9/26/2018	WAL-MART SUPER	CAMPAIGN EQUIPMENT	\$121.33
10/5/2018	WAL-MART SUPER	CAMPAIGN EQUIPMENT	\$88.57
10/24/2018	WAL-MART SUPER	CAMPAIGN EVENT SUPPLIES	\$102.23
8/5/2019	WAL-MART #5137	SUPPLIES	\$21.33
8/5/2019	WAL-MART #5137	SUPPLIES	\$31.90
8/5/2019	WAL-MART #5137	CAMPAIGN EQUIPMENT	\$94.86

³ Outside the statute of limitations.

**MUR 7763 (Casper for Colorado, et al.)
Tables of Relevant Expenditures**

Date	Recipient	Description	Amount
9/19/2019	WAL-MART #5137	CAMPAIGN EQUIPMENT	\$91.03
10/4/2019	WAL-MART #5137	CAMPAIGN SUPPLIES	\$71.75
10/8/2019	WAL-MART SUPERCENTER	CAMPAIGN SUPPLIES	\$43.07
10/9/2019	WAL-MART #5137	CAMPAIGN SUPPLIES	\$31.90
10/10/2019	WAL-MART SUPERCENTER	CAMPAIGN SUPPLIES	\$31.90
10/11/2019	WAL-MART SUPERCENTER	CAMPAIGN MATERIALS	\$59.12
10/16/2019	WAL-MART SUPERCENTER	CAMPAIGN SUPPLIES	\$68.47
10/21/2019	WAL-MART SUPERCENTER	CAMPAIGN MATERIALS	\$52.03
10/24/2019	WAL-MART SUPERCENTER	CAMPAIGN EQUIPMENT	\$179.02
11/3/2019	WAL-MART SUPERCENTER	CAMPAIGN SUPPLIES	\$50.73
11/4/2019	WAL-MART SUPERCENTER	CAMPAIGN SUPPLIES	\$24.28
11/6/2019	WAL-MART SUPERCENTER	CAMPAIGN SUPPLIES	\$6.71
11/14/2019	WAL-MART SUPERCENTER	CAMPAIGN SUPPLIES	\$25.42
11/16/2019	WAL-MART SUPERCENTER	CAMPAIGN SUPPLIES	\$57.65
12/5/2019	WAL-MART SUPERCENTER	CAMPAIGN SUPPLIES	\$40.09
12/7/2019	WAL-MART #5137	CAMPAIGN SUPPLIES	\$21.43
12/11/2019	WAL-MART #5137	CAMPAIGN SUPPLIES	\$90.33
12/12/2019	WAL-MART #5137	CAMPAIGN EQUIPMENT	\$104.26
12/14/2019	WAL-MART #5137	CAMPAIGN SUPPLIES	\$52.18
12/23/2019	WAL-MART #5137	CAMPAIGN EQUIPMENT	\$105.94
1/7/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$82.72
1/14/2020	WAL-MART #5137	OFFICE SUPPLIES	\$12.48
1/18/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$83.41
1/23/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$22.66
1/29/2020	WAL-MART SUPERCENTER	CAMPAIGN SUPPLIES	\$104.10
2/1/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$20.04
2/5/2020	SAM'S CLUB (S. AURORA)	CAMPAIGN EVENT SUPPLIES	\$131.83
2/8/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$63.51
2/10/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$3.17
2/13/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$19.18

**MUR 7763 (Casper for Colorado, et al.)
Tables of Relevant Expenditures**

Date	Recipient	Description	Amount
2/25/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$59.20
3/31/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$78.40
4/26/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$33.56
5/9/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$58.31
6/1/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$65.62
6/2/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$33.85
6/30/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$73.86
7/31/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$65.49
9/4/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$46.06
9/11/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$56.52
9/17/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$131.31
9/22/2020	WAL-MART #5137	CAMPAIGN SUPPLIES	\$59.56
11/3/2020	WAL-MART #5137	CAMPAIGN EVENT ITEMS/SUPPLIES	\$365.32
Alleged Gasoline Total:			\$5,169.70
<u>All Vehicle Expenses Total:</u>			<u>\$8,825.93</u>

**MUR 7763 (Casper for Colorado, et al.)
Tables of Relevant Expenditures**

Table 2—Utilities Expenditures

Date	Recipient	Description	Amount
6/18/2018	COMCAST	CAMPAIGN OFFICE COMMUNICATION	\$220.68
8/11/2018	COMCAST	CAMPAIGN OFFICE COMMUNICATIONS	\$112.68
10/16/2018	COMCAST	CAMPAIGN OFFICE COMMUNICATION	\$100.34
12/3/2019	COMCAST	CAMPAIGN OFFICE COMMUNICATION	\$106.48
10/12/2019	COMCAST	CAMPAIGN OFFICE COMMUNICATION	\$232.96
Total:			\$773.14

Table 3—Amazon Expenditures

Date	Recipient	Description	Amount
8/4/2016	AMAZON.COM	CAMPAIGN OFFICE EQUIPMENT	\$112.73
9/5/2016	AMAZON.COM	OFFICE EQUIPMENT	\$178.88
9/11/2016	AMAZON.COM	OFFICE SUPPLIES	\$5.20
9/12/2016	AMAZON.COM	OFFICE SUPPLIES	\$9.26
9/12/2016	AMAZON.COM	OFFICE EQUIPMENT	\$123.09
1/2/2020	AMAZON	CAMPAIGN MARKETING MATERIALS	\$329.20
1/15/2020	AMAZON MARKETPLACE	CAMPAIGN EQUIPMENT	\$163.50
1/21/2020	AMAZON	CAMPAIGN MATERIALS	\$27.08
1/21/2020	AMAZON MARKETPLACE	CAMPAIGN MARKETING MATERIALS	\$20.08
1/26/2020	AMAZON MARKETPLACE	CAMPAIGN EQUIPMENT	\$166.30
2/6/2020	AMAZON MARKETPLACE	CAMPAIGN MARKETING MATERIALS	\$166.30
5/14/2020	AMAZON MARKETPLACE	CAMPAIGN MARKETING MATERIALS	\$137.80
6/1/2020	AMAZON MARKETPLACE	CAMPAIGN SUPPLIES	\$26.79
6/2/2020	AMAZON MARKETPLACE	CAMPAIGN EQUIPMENT	\$90.95
7/20/2020	AMAZON MARKETPLACE	CAMPAIGN MATERIALS	\$26.05
7/22/2020	AMAZON MARKETPLACE	CAMPAIGN MATERIALS	\$5.99
7/22/2020	AMAZON MARKETPLACE	CAMPAIGN MATERIALS	\$27.08
7/22/2020	AMAZON MARKETPLACE	CAMPAIGN MATERIALS	\$46.90
7/30/2020	AMAZON MARKETPLACE	CAMPAIGN MATERIALS	\$56.61
8/12/2020	AMAZON	CAMPAIGN EQUIPMENT	\$329.20
8/19/2020	AMAZON MARKETPLACE	CAMPAIGN MATERIALS	\$41.72
9/23/2020	AMAZON	CAMPAIGN MATERIALS	\$324.49
10/8/2020	AMAZON MARKETPLACE	CAMPAIGN EVENT MATERIALS	\$160.27
Total:			\$2,575.47

**MUR 7763 (Casper for Colorado, et al.)
Tables of Relevant Expenditures**

Table 4—UBG Expenditures

Date	Recipient	Description	Amount
12/16/2015 ^{4,5}	UBG ONLINE LLC	SEO CAMPAIGN ONLINE MARKETING	\$200.00
12/28/2015 ^{4,5}	UBG ONLINE LLC	SEO CAMPAIGN ONLINE MARKETING	\$300.00
3/18/2016 ⁵	UBG ONLINE LLC	SEO CAMPAIGN ONLINE MARKETING	\$250.00
4/1/2016 ⁵	UBG ONLINE LLC	SEO CAMPAIGN ONLINE MARKETING	\$300.00
5/4/2016	UBG ONLINE LLC	SEO CAMPAIGN ONLINE MARKETING	\$200.00
5/31/2016	UBG ONLINE LLC	SEO CAMPAIGN ONLINE MARKETING	\$200.00
6/6/2016	UBG ONLINE LLC	SEO CAMPAIGN ONLINE MARKETING	\$400.00
6/29/2016	UBG ONLINE LLC	WEBSITE VIRUS CLEANUP	\$500.00
7/12/2016	UBG ONLINE LLC	CAMPAIGN PHOTOS	\$200.00
7/18/2016	UBG ONLINE LLC	SEO MARKETING	\$300.00
8/1/2016	UBG ONLINE LLC	SEO MARKETING	\$700.00
8/16/2016	UBG ONLINE LLC	SEO MARKETING	\$300.00
9/1/2016	UBG ONLINE LLC	SEO MARKETING	\$700.00
9/20/2016	UBG ONLINE LLC	SEO MARKETING	\$500.00
9/25/2016	UBG ONLINE LLC	EVENT SUPPLIES & MATERIALS	\$500.00
9/29/2016	UBG ONLINE LLC	SEO MARKETING	\$1,200.00
11/1/2016	UBG ONLINE LLC	SEO MARKETING	\$200.00
11/10/2016 ⁵	UBG ONLINE LLC	WEBSITE REWORK	\$1,200.00
11/28/2016 ⁵	UBG ONLINE LLC	SEO MARKETING	\$200.00
2/1/2018 ⁵	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$300.00
3/2/2018 ⁵	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$300.00
3/6/2018 ⁵	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$200.00
4/4/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$500.00
4/23/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$300.00
5/4/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$500.00
5/14/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$300.00
5/29/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$500.00
6/4/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$500.00
6/12/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$500.00
7/5/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$500.00
7/10/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$250.00

⁴ Outside the statute of limitations.

⁵ Payment made outside the period within which Stockham was permitted to receive a salary.

**MUR 7763 (Casper for Colorado, et al.)
Tables of Relevant Expenditures**

Date	Recipient	Description	Amount
7/24/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$300.00
8/2/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$800.00
8/6/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$150.00
8/20/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$200.00
9/1/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$500.00
9/6/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$200.00
9/18/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$1,000.00
9/23/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$700.00
10/3/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$400.00
10/12/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$500.00
10/15/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$1,000.00
10/31/2018	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$500.00
11/29/2018 ⁶	UBG ONLINE LLC	WEBSITE SEO MARKETING	\$311.00
7/15/2019 ⁶	UBG ONLINE LLC	WEBSITE SEO WORK	\$100.00
7/23/2019 ⁶	UBG ONLINE LLC	WEBSITE SEO WORK	\$200.00
8/5/2019 ⁶	UBG ONLINE LLC	WEBSITE SETUP CONFIGURATION	\$1,000.00
8/6/2019 ⁶	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
8/27/2019 ⁶	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$250.00
10/3/2019 ⁶	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
10/17/2019 ⁶	UBG ONLINE LLC	CAMPAIGN MARKETING	\$500.00
10/29/2019 ⁶	UBG ONLINE LLC	CAMPAIGN MARKETING	\$1,000.00
10/30/2019 ⁶	UBG ONLINE LLC	CAMPAIGN SEO WORK	\$200.00
11/27/2019 ⁶	UBG ONLINE LLC	CAMPAIGN MARKETING	\$1,000.00
12/26/2019 ⁶	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
12/31/2019 ⁶	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
1/10/2020 ⁶	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
1/21/2020 ⁶	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$300.00
1/29/2020 ⁶	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
2/5/2020 ⁶	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
3/18/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$300.00
4/8/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$200.00
4/29/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
7/5/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
7/21/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
7/28/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$1,000.00
7/30/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
8/25/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
9/7/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
9/16/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
9/22/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
10/8/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$1,000.00

⁶ Payment made outside the period within which Stockham was permitted to receive a salary.

MUR 7763 (Casper for Colorado, et al.)
Tables of Relevant Expenditures

Date	Recipient	Description	Amount
10/13/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
10/28/2020	UBG ONLINE LLC	SOCIAL MEDIA MARKETING	\$500.00
11/3/2020	UBG ONLINE LLC	SOCIAL MEDIA GOTV	\$1,000.00
11/12/2020 ⁷	UBG ONLINE LLC	WEBSITE CONVERSION	\$1,000.00
11/27/2020 ⁷	UBG ONLINE LLC	CAMPAIGN WEBSITED CONVERSION/ARCHIVING	\$1,000.00
12/10/2020 ⁷	UBG ONLINE LLC	CAMPAIGN DATA ARCHIVING AND WRAPUP WORK	\$550.00
Total			\$38,661.00
Total Outside Permitted Timeframe for Candidate Salary:			\$14,161.00

⁷ Payment made outside the period within which Stockham was permitted to receive a salary.

MUR 7763 (Casper for Colorado, et al.)
Tables of Relevant Expenditures

Table 5—Candidate Salary Payments

Date	Recipient	Description	Amount
7/31/2020	STOCKHAM, CASPER WESLEY	CANDIDATE SALARY	\$2,000.00
8/27/2020	STOCKHAM, CASPER WESLEY	CANDIDATE SALARY	\$2,000.00
9/22/2020	STOCKHAM, CASPER WESLEY	CANDIDATE SALARY	\$2,000.00
10/22/2020	STOCKHAM, CHARLES 'CASPER')	CANDIDATE SALARY	\$2,000.00
11/3/2020	STOCKHAM, CHARLES 'CASPER')	CANDIDATE SALARY	\$2,000.00
Total:			\$10,000.00

Table 6—Moving Expenditure

Date	Recipient	Description	Amount
12/8/2019	HOWZE, KALEEM	OFFICE MOVING	\$420.00
Total:			\$420.00

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS****RESPONDENT:** Casper Wesley Stockham**MUR:** 7763**I. INTRODUCTION**

This matter was generated by a complaint filed with the Federal Election Commission, alleging that Casper Wesley Stockham, a 2020 congressional candidate, converted campaign funds from his authorized committee, Casper for Colorado (the “Committee”), to personal use in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”). Specifically, the Complaint alleges that Stockham used campaign funds for vehicle expenses unrelated to the campaign, utilities, moving expenses, and personal Amazon purchases. In addition, the Complaint alleges that Stockham received an impermissible salary from the Committee, and that the Committee failed to report Stockham’s salary. Related to the salary payments, the Complaint alleges that the Committee made payments to Stockham’s LLC to allow Stockham “to withdraw money for himself.” If the payments to the LLC amounted to salary payments, then they were not reported correctly. Stockham generally denies the allegations, but acknowledges that his use of Committee funds in connection with his vehicle may have been problematic.

As discussed below, the available information supports the conclusion that Stockham converted campaign funds to personal use in connection with his vehicle and utility expenses. Moreover, it appears that the Committee’s payments to Stockham’s LLC should have been treated as salary payments to Stockham. The record before the Commission also suggests that the payments to the LLC and other direct salary payments to Stockham did not comply with the

1 Commission's regulations because they were either excessive or made outside the time period
2 within which candidate salary payments are permitted.

3 Therefore, the Commission finds reason to believe that Stockham violated 52 U.S.C.
4 § 30114(b) by converting campaign funds to personal use.

5 **II. FACTUAL BACKGROUND**

6 Casper Stockham was a 2020 candidate in Colorado's 7th Congressional District.¹ He
7 ran as the Republican candidate but was defeated in the general election.² Casper for Colorado
8 was his authorized campaign committee with Matt Arnold serving as treasurer.³ During the

¹ Stockham originally registered as a candidate in Colorado's 6th Congressional District, but switched to the 7th District in April 2020. Casper Wesley Stockham, Original Statement of Candidacy (July 1, 2019), <https://docquery.fec.gov/pdf/197/201907019150438197/201907019150438197.pdf>; Casper Wesley Stockham, Amended Statement of Candidacy (Apr. 6, 2020), <https://docquery.fec.gov/pdf/356/202004069216597356/202004069216597356.pdf>.

² Stockham ran unopposed and won the Republican primary on June 30, 2020, and lost the general election on November 3, 2020. COLO. SEC'Y STATE, COLORADO ABSTRACT OF VOTES CAST FOR THE JUNE 30, 2020 STATE PRIMARY ELECTION at 19 (July 27, 2020), <https://www.sos.state.co.us/pubs/elections/files/2020StatePrimaryResultsCert.pdf> (reporting Stockham won 100% of the vote in the primary election); COLO. SEC'Y STATE, COLORADO ABSTRACT OF VOTES CAST FOR THE NOVEMBER 3, 2020 GENERAL ELECTION at 57-58 (Dec. 8, 2020), <https://www.sos.state.co.us/pubs/elections/Results/2020/StateAbstractCertAndReportSigned.pdf> (reporting Stockham lost with 37.6% of the vote in the general election to his opponent's 59.1%).

³ Casper for Colorado, Amended Statement of Organization (Apr. 1, 2020), <https://docquery.fec.gov/pdf/441/202004069216597441/202004069216597441.pdf>.

MUR 7763 (Casper Wesley Stockham)
Factual and Legal Analysis
Page 3 of 18

1 2020 election, the Committee raised \$147,959 and spent the same amount.⁴ Stockham, who also
2 ran for Congress in 2016 and 2018, is a driver for Uber and Lyft.⁵

3 The Complaint alleges that, during the 2020 election, Stockham converted Committee
4 funds to personal use in the categories elaborated below. Though Stockham generally denies the
5 allegations, he states that “[i]f I am in error as it pertains to the FEC filings I am happy and ready
6 to comply and correct.”⁶

7 **Vehicle Expenses** — The Complaint alleges that Stockham used campaign funds for
8 payments related to his occupation as an Uber and Lyft driver, including auto repairs, tolls, and
9 purchases at Wal-Mart and Sam’s Club that the Complaint infers must have been for gasoline.⁷
10 The Committee paid \$1,079 for auto repairs; \$1,290 for tolls; and \$3,026 at Wal-Mart and Sam’s

⁴ *Casper for Colorado – Financial Summary*, FEC.gov, <https://www.fec.gov/data/committee/C00710855/?tab=summary> (last visited Feb. 10, 2021).

⁵ Stockham Resp. at 1 (Aug. 7, 2020). In 2016 and 2018, Stockham was a candidate in Colorado’s 1st District, and though “Casper for Colorado” was the name of his committee in those elections, after each election cycle, Stockham terminated his committee and formed a new committee for the next election with the same name. See Charles (Casper) Wesley Stockham, Statement of Candidacy (Jan. 11, 2018), <https://docquery.fec.gov/pdf/256/201801119090394256/201801119090394256.pdf>; Casper for Colorado, Statement of Organization (Jan. 11, 2018), <https://docquery.fec.gov/pdf/256/201801119090394256/201801119090394256.pdf>; Casper for Colorado, Termination Report (Dec. 6, 2018), <https://docquery.fec.gov/pdf/317/201812069134879317/201812069134879317.pdf>; *Casper for Colorado—About This Committee*, FEC.GOV, <https://www.fec.gov/data/committee/C00665588/?cycle=2018&tab=about-committee> (last visited Feb. 10, 2021); Charles Wesley (“Casper”) Stockham, Amended Statement of Candidacy (Oct. 10, 2015), <https://docquery.fec.gov/pdf/438/201510190300028438/201510190300028438.pdf>; Casper for Colorado, Amended Statement of Org. (Oct. 10, 2015), <https://docquery.fec.gov/pdf/430/201510190300028430/201510190300028430.pdf>; Casper for Colorado, Termination Report (Jan. 3, 2017), <https://docquery.fec.gov/pdf/498/201701039040912498/201701039040912498.pdf>; *Casper for Colorado—About This Committee*, FEC.GOV, <https://www.fec.gov/data/committee/C00585265/?tab=about-committee&cycle=2018> (last visited Feb. 10, 2021).

⁶ Stockham Resp. at 3.

⁷ Compl. at 2 (July 17, 2020). The Complaint’s inference appears to be based in part on the proximity of Stockham’s residence to Sam’s Club and Wal-Mart, and that these merchants sell gasolines at these locations. *Id.* The Committee’s reports indicate that these expenditures were for, *e.g.*, campaign supplies.

1 Club.⁸ It appears that Stockham’s previous campaign committees made similar payments.
2 Stockham’s 2016 committee paid \$1,288 in tolls, as well as \$1,210 at Wal-Mart and Sam’s Club;
3 Stockham’s 2018 committee paid \$1,036 to Wal-Mart and Sam’s Club. The Complaint contends
4 that, given Stockham’s profession as a ride-sharing driver, the frequency and amount of the
5 payments, and the location of alleged gasoline and toll purchases along “lucrative UBER routes,”
6 these expenditures indicate personal use of campaign funds.⁹

7 Stockham states that, as an Uber and Lyft driver, he routinely used his vehicle for non-
8 campaign purposes but that, at the same time, he was using the vehicle to promote his campaign
9 and speak with potential voters.¹⁰ Accordingly, Stockham acknowledges that “there may be a
10 little overlap” between campaign and non-campaign vehicle expenses.¹¹ Regarding a \$5,000
11 car-repair expense that he incurred, Stockham states that he “had the campaign pay \$810.73,” but
12 does not explain the rationale for this apportionment, or otherwise describe whether or how he
13 might have apportioned any of the other vehicle expenses.¹² The available information does not
14 indicate that Stockham or the Committee kept records apportioning Stockham’s personal and
15 campaign-related use of his vehicle. Regarding the alleged gasoline purchases at Wal-Mart and

⁸ The Commission notes that the Complaint was filed prior to the end of the election cycle, and as such refers to lower amounts than those that appear in the Committee’s reports for the whole cycle.

⁹ Compl. at 2 (arguing that the payments were “for the specific purpose of funding a business entity . . . that has absolutely nothing to do with the operations of a political campaign”).

¹⁰ Stockham Resp. at 1 (“During my campaigns I have spoken directly to over 8,000 people, over the past few years, about my campaign and have campaign signs on my car as I drive around town.”).

¹¹ *Id.*

¹² *Id.*

1 Sam’s Club, Stockham contends that the payments were not for vehicle expenses but, as reported
2 on disclosure reports, for unspecified “campaign related items.”¹³

3 **Utilities** — The Complaint alleges that the Committee’s two disbursements to Comcast
4 totaling \$339 were for Stockham’s personal residence given that Stockham ran his campaign out
5 of his home.¹⁴ Stockham acknowledges that the charges were for his personal residence, but
6 states that they were necessary to “maintain communications, websites, emails [sic] newsletters
7 and phones from that location.”¹⁵ Stockham’s 2018 committee similarly reported \$434 in
8 disbursements to Comcast.

9 **Amazon** — The Complaint alleges that the Committee’s reported payments to Amazon
10 for “campaign materials,” which totaled \$2,146 during the 2020 election, are “highly suspect,” in
11 light of the alleged pattern of converting campaign funds to personal use, but does not provide
12 any specific information that the items purchased were for non-campaign-related purposes.¹⁶
13 Stockham states that the payments were for “marketing materials, equipment, supplies and other
14 purchases.”¹⁷

15 **Payments to Candidate-Owned LLC** — UBG Online LLC (“UBG”) is a Colorado
16 limited liability company which incorporated in 2003 and is owned by Stockham.¹⁸ During the

¹³ Stockham Resp. at 1.

¹⁴ Compl. at 3.

¹⁵ Stockham Resp. at 2.

¹⁶ Compl. at 3. Stockham’s 2016 committee reported \$429 in such disbursements.

¹⁷ Stockham Resp. at 2.

¹⁸ *Business Entity Details*, COLO. SEC’Y OF STATE, <https://www.sos.state.co.us/biz/BusinessEntityCriteriaExt.do?resetTransTyp=Y> (last visited Feb. 10, 2021) (search “UBG online”). Stockham, who refers to UBG in his Response as “my company,” is listed as UBG’s registered agent on its Articles of Organization and his wife is listed as an “initial member;” no other person is listed on UBG’s Articles of Organization and no other names appear on any UBG state filing. Stockham Resp. at 1; UBG ONLINE LLC, ARTICLES OF ORGANIZATION 1 (Apr. 15, 2003),

1 2020 election, the Committee paid \$19,100 to UBG for various purposes, including “social
2 media marketing,” “campaign marketing,” and “social media GOTV.”¹⁹ Similarly, during the
3 2018 election, Casper’s former committee paid \$11,211 in disbursements to UBG, all reported
4 for the purpose of “website SEO marketing,” and during the 2016 election, Stockham’s former
5 committee paid \$8,350 to UBG for various purposes, including “SEO marketing” and “SEO
6 campaign online marketing,” among others.

7 The Complaint alleges that the Committee’s payments to UBG were not for legitimate
8 campaign services but rather a way for Stockham “to withdraw money for himself.”²⁰ Stockham
9 asserts that UBG “has done a lot of work for the campaign” and that it is not a “shell
10 company.”²¹ Attached to Stockham’s Response are several example invoices from UBG to the
11 Committee for services rendered, each of which matches a reported expenditure by the
12 Committee to UBG.²² Stockham does not provide any additional details about UBG other than
13 that “it does not make a lot of money each year and most years it has made no income at all.”²³

<https://www.sos.state.co.us/biz/ViewImage.do?masterFileId=20031121143&fileId=20031121143>; *Business Entity Details, supra*. From 2003, when the company was founded, to the present, Stockham has been responsible for filing all documents with the Colorado Secretary of State. *Id.* UBG became delinquent for failure to file reports with the Colorado Secretary of State on August 1, 2018, which was cured on June 3, 2019. *Id.*; UBG ONLINE LLC, STATEMENT CURING DELINQUENCY (June 3, 2019), <https://www.sos.state.co.us/biz/ViewImage.do?masterFileId=20031121143&fileId=20191467203>.

¹⁹ Other purposes include “website conversion,” “website setup configuration,” “campaign website[] conversion/archiving,” “website SEO work” “campaign SEO work,” and “campaign data archiving and wrapup work.”

²⁰ Compl. at 2-3. At the time of the Complaint, the amount of such payments was \$6,250.

²¹ Stockham Resp. at 1-2.

²² *Id.* at 2 (“We have included a few invoices to show that work. I am happy to provide all the invoices if requested.”). *Id.*, Attachs. 1-3. The invoices reflect UBG’s provision of services and do not indicate reimbursements for payments made by Stockham on behalf of the Committee. *Id.*

²³ Stockham Resp. at 2.

1 It is unclear whether UBG has any employees besides Stockham, and it does not appear to have
2 any public internet presence. No other political committees have reported any disbursements to
3 UBG.²⁴

4 **Candidate Salary** — The Complaint alleges that Stockham received a salary from the
5 Committee before he was legally permitted to do so and that the Committee failed to report the
6 salary.²⁵ The allegations are based on Stockham’s statements referring to salary payments of
7 approximately \$1,500 month that he appears to acknowledge receiving from the Committee in or
8 around February 2020.²⁶ The Complaint asserts that Stockham was not permitted to take a salary
9 until he received his party’s nomination on April 18, 2020, more than two months after making
10 the first statement that he was receiving a salary, and points out that the Committee’s FEC
11 disclosure reports did not reflect any salary payments to Stockham during this time.²⁷

12 Stockham denies that, as of the date of his Response in August 2020, he had received a
13 salary from the Committee and maintains that his statements “were wishful thinking on my part.
14 I was trying to say that even if all the false claims [Complainant] was making were true and

²⁴ *FEC Disbursements: Filtered Results*, FEC.gov, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=UBG&two_year_transaction_period=2010&two_year_transaction_period=2012&two_year_transaction_period=2014&two_year_transaction_period=2016&two_year_transaction_period=2018&two_year_transaction_period=2020 (showing all reported disbursements to UBG since the 2010 election cycle, all of which were by the Committee or Stockham’s prior committees).

²⁵ Compl. at 1-2.

²⁶ *Id.* In an email to supporters on February 15, 2020 Stockham wrote that FEC rules allow a candidate to be paid a salary by his campaign and that in his case the salary “has been on average a little over \$1500 a month.” Compl., Ex. 2 at 3 (emphasis omitted). In an interview with *Colorado Politics*, he stated that he was entitled to \$4,500 per month and that the campaign had been paying him “like \$1,500 or whatever.” Compl., Ex. 1 at 2 (attaching Ernest Luning, *Perennial GOP Candidate Casper Stockham Sent Contributions to His Own Company, Records Show*, COLO. POL. (June 17, 2020), <https://www.coloradopolitics.com/news/perennial-gop-candidate-casper-stockham-sent-contributions-to-his-own-company-records-show/article%20e0d09ebc-b010-11ea-87aa-5b29eeb20b9c.html>).

²⁷ Compl. at 2, 3.

1 added up they would still come to less than what the campaign could legitimately pay me.”²⁸ In
2 his Response, however, Stockham states the Committee “will start to pay me a candidate salary
3 at the end of each month starting the end of July 2020.”²⁹ Between July 31 and November 3,
4 2020, the Committee reported a series of five \$2,000 monthly salary payments (totaling \$10,000)
5 to Stockham.³⁰

6 **Moving** — The Complaint alleges that the Committee’s payment of “Office Moving
7 Expenses” totaling \$420 to Kaleem Howze is suspect because “Stockham has always run his
8 campaign from his home and thus it is unclear why he would list payments [for moving].”³¹
9 Stockham states that, while he runs his campaign from his home, the payments related to an
10 instance when he moved certain equipment “to a new storage location.”³²

11 III. LEGAL ANALYSIS

12 The Act prohibits the conversion of campaign funds by any person to “personal use.”³³
13 “Personal use” is the use of funds in a campaign account “to fulfill a commitment, obligation or
14 expense of any person that would exist irrespective of the candidate’s campaign or duties as a
15 Federal officeholder.”³⁴ The Act and Commission regulations list certain uses of campaign

²⁸ Stockham Resp. at 2. In fact, the Committee had paid its first salary to Stockham on July 31, 2020, but disclosure reports otherwise confirm that the Committee had not previously reported any such payments.

²⁹ Stockham Resp. at 1. Though the Response was sent to the Commission on August 7, 2020, this language in the Response indicates that it was written prior to the end of July 2020.

³⁰ Stockham’s 2018 and 2016 committees did not report salary payments to Stockham.

³¹ Compl. at 3.

³² Stockham Resp. at 2.

³³ 52 U.S.C. § 30114(b).

³⁴ 11 C.F.R. § 113.1(g).

1 funds that constitute *per se* conversion to personal use including a home mortgage, rent, utility
2 payments, and non-campaign-related automobile expenses.³⁵ For other payments, the
3 “Commission will determine, on a case-by-case basis, whether other uses” of campaign funds
4 constitute personal use by applying the “irrespective test,” that is, whether the payment fulfills a
5 commitment, obligation, or expense that would exist irrespective of the candidate’s campaign or
6 duties as a federal officeholder.³⁶

7 Under the personal use provision, a candidate is permitted to receive a salary from his or
8 her principal campaign committee, subject to rules governing the timing and amount.³⁷ As for
9 timing, the committee shall not pay a salary to a candidate before the filing deadline for access to
10 the primary election ballot for the federal office that the candidate seeks, as determined by state
11 law.³⁸ If the candidate wins the primary, his or her principal campaign committee may pay him
12 or her a salary through the date of the general election.³⁹ The amount of the candidate’s salary
13 shall not exceed the lesser of: (1) the minimum salary paid to a federal officeholder holding the
14 office that the candidate seeks or (2) the earned income that the candidate received during the
15 year prior to becoming a candidate.⁴⁰ Should the minimum salary paid to a federal officeholder
16 be the lesser figure, any earned income that a candidate receives from salaries or wages from any

³⁵ 52 U.S.C. § 30114(b)(2)(A)-(I); 11 C.F.R. § 113.1(g).

³⁶ 11 C.F.R. § 113.1(g)(1)(ii).

³⁷ 52 U.S.C. § 30114(b)(2); 11 C.F.R. § 113.1(g)(1)(i)(I).

³⁸ 11 C.F.R. § 113.1(g)(1)(i)(I).

³⁹ *Id.*

⁴⁰ *Id.*

1 other source during his or her candidacy shall count against this sum.⁴¹ During the time period
2 in which a principal campaign committee may pay a salary to a candidate, such payment must be
3 computed on a *pro-rata* basis.⁴² The payment of a salary to candidates that do not meet these
4 conditions is considered *per se* personal use.⁴³

5 As explained below, based on the available information, it appears that Stockham
6 impermissibly converted Committee funds to personal use with respect to the vehicle and
7 utilities expenses. The record further indicates that Stockham received an impermissible salary
8 from the Committee. With respect to the moving expenses and Amazon purchases, there is no
9 information to support an inference that these payments were for personal use.

10 A. Vehicle Expenses

11 Though Stockham claims to have promoted his campaign to his riders,⁴⁴ this does not
12 convert the expenses which arose out of his employment with Uber and Lyft from personal to
13 campaign related.⁴⁵ Hanging campaign signs in the vehicle and speaking with customers about
14 his campaign does not change the fact that his customers entered the vehicle as part of a separate

⁴¹ *Id.* Upon request of the Commission, the candidate must provide evidence of earned income. *Id.*

⁴² *Id.* This is intended to prevent a candidate's principal campaign committee from paying the candidate the entire minimum annual salary for the Federal office sought by the candidate, unless he or she is a candidate, as defined by 11 C.F.R. § 100.3(a), for at least one year. *See* Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds; 67 Fed. Reg. 76,962, 76,972 [hereinafter Personal Use E&J] (Dec. 13, 2002).

⁴³ *Id.*; Personal Use E&J at 76,972.

⁴⁴ Stockham Resp. at 1.

⁴⁵ Given that Stockham arguably used corporate resources to advertise his campaign to Uber and Lyft customers, there is a question as to whether Stockham received in-kind corporate contributions from the two ride-hailing companies. In a matter involving free political ads on a stock car used in NASCAR racing, the Commission found that the ads constituted in-kind contributions, valued at the amount for which the space where they appeared could have been rented by other sponsors. Factual & Legal Analysis at 5-7, MUR 5563 (Kirk Shelmerdine Racing, LLC). However, the Commission makes no determination as to this potential violation.

1 business transaction, irrespective of his campaign. Thus, Stockham would have incurred the
2 vehicle expenses regardless of his candidacy. Moreover, it does not appear that Stockham or the
3 Committee kept any records of vehicle usage to account for the apportionment between personal
4 and campaign-related activities.⁴⁶ Indeed, neither Stockham nor the Committee point to any
5 campaign use of the vehicle besides Stockham's driving for Uber and Lyft customers and
6 speaking with them about his campaign. Accordingly, it appears that charges for auto repairs
7 (\$1,079) during the 2020 cycle and tolls during the 2016 and 2020 cycles (\$2,578), totaling
8 \$3,657, were for personal use.⁴⁷ However, it is unclear whether the alleged gasoline charges at
9 Wal-Mart and Sam's Club, totaling \$5,272, were for personal use. In his Response, Stockham
10 suggests, but does not equivocally state, that purchases at Wal-Mart and Sam's Club were not for
11 gasoline, and the Committee's reports indicate that purchases at these vendors were for, *e.g.*,
12 "campaign supplies."⁴⁸ Given Stockham's acknowledgement that he paid for vehicle repairs
13 using campaign funds, it would have been logical to have also used campaign funds for gasoline.
14 Nevertheless, many of the individual disbursements to Wal-Mart and Sam's Club are in amounts
15 inconsistent with gasoline purchases.⁴⁹

⁴⁶ 11 C.F.R. § 113.1(g)(1)(ii)(D); *see* Second Gen. Counsel's Rpt. at 10-11, MUR 6498 (Lynch for Congress) (recommending conciliation regarding personal use where candidate made expenditures for gasoline, tolls, and parking for a vehicle driven for mixed purposes but did not maintain records of the use).

⁴⁷ Given the unique facts of this case, involving a driver who engages in campaign activity while driving for Uber and Lyft, it appears that Stockham's personal use for vehicle expenses likely extends back to similar payments made by his 2016 and 2018 campaign committees. Stockham Resp. at 1 (explaining that he has been campaigning while driving for Uber and Lyft during his multiple "campaigns" and claiming to have "spoken directly to over 8,000 people").

⁴⁸ *Id.* at 2 ("The campaign does shop at Wal-Mart because of their proximity and their supplies are normally cheaper than other stores. These items were all campaign related items.").

⁴⁹ For example, multiple disbursements were made for amounts greater than \$100, and others for as little as \$3.

1 **B. Utilities**

2 The Committee’s payment of Comcast bills for Stockham’s personal residence totaling
3 \$339, and his 2018 committee’s payment of \$434 for the same, is *per se* personal use despite the
4 fact that Stockham operated his campaign out of his home.⁵⁰ Commission regulations make
5 clear that personal use includes “utility payments for any part of any personal residence of the
6 candidate or a member of the candidate’s family,” and the Commission has previously held that
7 the prohibition extends to instances where a candidate’s home doubles as his or her campaign
8 headquarters.⁵¹

9 **C. Salary**

10 At the outset, it is necessary to identify whether the payments to UBG, Stockham’s
11 consulting firm, were arm’s-length transactions or in fact amounted to salary payments to
12 Stockham.

13 The Act and Commission regulations “are silent with respect to any definition or
14 description of the person to whom an expenditure is made. Moreover, they do not address the
15 concepts of ultimate payees, vendors, agents, contractors, or subcontractors in this context.”⁵²

⁵⁰ Though the Commission does not have specific information, it is reasonable to infer that Stockham ran his 2018 campaign from his home as well. *See FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00665588&two_year_transaction_period=2018 (last visited Feb. 10, 2021) (showing all disbursements by Stockham’s 2018 committee).

⁵¹ 11 C.F.R. § 113.1(g)(1)(E)(1); *see, e.g.*, Factual & Legal Analysis at 6, MUR 6380 (Friends of Christine O’Donnell, *et al.*) (finding reason to believe a candidate who ran her campaign from her primary residence had converted campaign funds to personal use by paying her mortgage and utility bills); *see also FEC v. O’Donnell*, 209 F. Supp. 3d 727, 734-36 (D. Del. 2016) (holding O’Donnell’s payments of rent constituted personal use and requiring O’Donnell to disgorge converted funds and pay a \$25,000 civil penalty).

⁵² Advisory Op. 1983-25 (Mondale) at 2 [hereinafter Mondale Opinion]. The Commission has also addressed the issue of reporting ultimate payees of political committee disbursements in situations not applicable to the facts of the instant matter, relating to reimbursements for out-of-pocket expenses, payments to credit card companies, and unreimbursed disbursements by candidates. *See Reporting Ultimate Payees of Political Committee Disbursements*, 78 Fed. Reg. 40,625, 40,626-27 (July 8, 2013).

1 However, the Commission concluded in Advisory Opinion 1983-25 (Mondale) (the “Mondale
2 Opinion”) that payments to other persons, “which are made to purchase services or products used
3 in performance of [a vendor’s] contract with the Committee,” do not have to be separately
4 reported.⁵³ The Commission considered several factors in its analysis as to whether “further
5 itemization of payments made by [vendors] to others” is required, including whether: (1) the
6 vendor had a legal existence as a corporation separate from the operations of the committee;
7 (2) the vendor’s principals held any staff positions with the committee; (3) the committee
8 conducted arm’s-length negotiations with the vendor; (4) the vendor was required to devote its
9 “full efforts” to the contract and expected to have contracts with other campaigns and entities;
10 and (5) the committee had an interest in the vendor’s other contracts.⁵⁴ The Commission has
11 further determined that reporting the immediate recipient of a disbursement will not satisfy the
12 Act’s reporting requirements when the facts indicate that the recipient is “merely a conduit for
13 the intended recipient of the funds.”⁵⁵

14 Given that UBG was not “separate and distinct” from Stockham and the Committee,
15 based on the available information, it appears that payments to UBG should have been treated as
16 payments to Stockham.⁵⁶ Applying the factors of the Mondale Opinion, UBG does have a “legal
17 existence as a corporation separate from the operations of the [C]ommittee,” as it was originally

⁵³ Mondale Opinion at 2; *see also* Factual & Legal Analysis at 12, MUR 6510 (Kirk for Senate, *et al.*) (holding that “a committee need not separately report its consultant’s payments to other persons — such as those payments for services or goods used in the performance of the consultant’s contract with the committee”).

⁵⁴ Mondale Opinion at 3.

⁵⁵ Factual & Legal Analysis at 9, MUR 6724 (Bachmann for President, *et al.*).

⁵⁶ *See* Factual & Legal Analysis at 12, MUR 6510 (Kirk for Senate, *et al.*) (finding that, where a vendor was “separate and distinct” from a committee, among other factors, the committee did not have to report payments made by the vendor to its subcontractors, the ultimate payees).

1 incorporated in Colorado on April 15, 2003, and is listed as in “good standing” as of the writing
2 of this Report.⁵⁷ However, UBG’s principal, Stockham, held not just a “staff position[] with the
3 [C]ommittee” but indeed was the candidate, and the Commission has seen no indication that
4 UBG was, or even could have been, retained by the Committee via “arm’s length negotiations.”
5 It further appears that UBG was required to devote its “full efforts” to Stockham’s campaign, as
6 no federal committee other than Stockham’s authorized committees has ever reported any
7 disbursement to UBG and there are no indications that UBG had non-political clients.⁵⁸ Finally,
8 Stockham, as the owner of UBG, “had an interest” in all contracts to which UBG was a party.
9 Under the standards applied by the Commission in the Mondale Opinion, which have been
10 followed in subsequent matters, UBG was not separate and distinct from the campaign and, as
11 such, the Committee was required to report payments to UBG as payments to Stockham.⁵⁹
12 Because Stockham was the LLC’s owner, any payments to the LLC for services Stockham
13 provided to the Committee were effectively salary payments made by the Committee, through

⁵⁷ *Business Entity Details*, COLO. SEC’Y OF STATE, <https://www.sos.state.co.us/biz/BusinessEntityCriteriaExt.do?resetTransTyp=Y> (last visited Feb. 10, 2021) (search “UBG online”).

⁵⁸ *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=UBG&two_year_transaction_period=2004&two_year_transaction_period=2006&two_year_transaction_period=2008&two_year_transaction_period=2010&two_year_transaction_period=2012&two_year_transaction_period=2014&two_year_transaction_period=2016&two_year_transaction_period=2018&two_year_transaction_period=2020&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited Feb. 10, 2021) (showing all disbursements to UBG since 2003). Though the available information does not include whether UBG had other clients that were not federal political committee, Stockham’s statements in his Response regarding how little income UBG generally makes indicate that, to the extent UBG might have had other clients, they likely required minimal time and resources.

⁵⁹ See, e.g., Factual & Legal Analysis at 12, MUR 6510 (Kirk for Senate, *et al.*) (finding that a vendor was separate and distinct from the committee; that the vendor provided services to other political campaigns during the same time period; that the committee had no interest in the vendor’s contracts; that no individual associated with the vendor held a position with the committee; and that the committee engaged the vendor through an arms-length transaction, and that, as a result, the committee needed only report its disbursements to the primary vendor, not payments the primary vendor made to the subcontractor).

1 the LLC, to Stockham. Therefore, for the purposes of the analysis as to whether Stockman
2 received an impermissible salary, the payments to the LLC must be included as well.

3 As stated above, federal candidates may receive a salary from their principal campaign
4 committees starting the date of the filing deadline for access to the primary election ballot for the
5 office the candidate seeks, until the date of the general election (assuming that the candidate was
6 successful in the primary election).⁶⁰ Applied here, March 17, 2020, was the first date on which
7 Stockham was permitted to receive a salary and, because he won the primary election,
8 November 3, 2020, was the final day he was permitted to receive a salary.⁶¹ Moreover, as
9 relevant here, the amount of a candidate salary shall not exceed the candidate's earned income
10 during the year prior to becoming a candidate.⁶² Though the Commission does not have specific
11 information on Stockham's 2018 earned income, in statements to the media, Stockham claimed
12 that he was entitled to \$4,500 per month (equating to a \$54,000 yearly salary).⁶³ As explained
13 below, based on the available information, it appears that Stockham received impermissible
14 salary payments before and after the operative dates and, further, that one of the payments was
15 excessive because it was not computed on a *pro-rata* basis.

⁶⁰ 11 C.F.R. § 113.1(g)(1)(i)(I). The Complaint appears mistaken as a matter of law as to which date applies to the Act's salary provision. Compare 11 C.F.R. § 113.1(g)(1)(i)(I) ("Salary shall not be paid to a candidate before **the filing deadline for access to the primary election ballot** for the Federal office that the candidate seeks, as determined by State law" (emphasis added)) with Compl. at 3 ("Mr. Stockham was not even eligible to begin taking a salary from his campaign . . . until April 18th . . . **when he became the official candidate** for District 7." (emphasis added)).

⁶¹ COLO. SEC'Y STATE, 2020 ELECTION CALENDAR at 4 (Sept. 15, 2020), <https://www.sos.state.co.us/pubs/elections/calendars/2020ElectionCalendar.pdf> (listing March 17, 2020, as the "[l]ast day to file major party candidate petitions"); FEC, 2020 CONGRESSIONAL PRIMARY DATES AND CANDIDATE FILING DEADLINES FOR BALLOT ACCESS (July 17, 2020), <https://www.fec.gov/resources/cms-content/documents/2020pdates.pdf> (listing March 17, 2020 as "FILING DEADLINE FOR PRIMARY BALLOT ACCESS" for Colorado).

⁶² 11 C.F.R. § 113.1(g)(1)(i)(I).

⁶³ Compl., Ex. 1 at 2, Ex. 2 at 3.

1 On February 15, 2020, Stockham claimed in an email to his supporters that he was
2 receiving a monthly salary from the Committee of approximately \$1,500.⁶⁴ Stockham reiterated
3 this claim to *Colorado Politics*.⁶⁵ Nonetheless, Stockham contends that he did not, in fact,
4 receive any salary until July 31, 2020.⁶⁶ Stockham claims that his February 15, 2020, email and
5 subsequent interview were “wishful thinking.” Given the specificity of the amount and the
6 indication that the payments had been occurring on a routine basis — “in fact it has been on
7 average a little over \$1500 a month” — this contention does not appear credible. An alternative
8 explanation is that Stockham may have been referring, at least in part, to the payments to his
9 LLC for work he performed on behalf of the campaign.⁶⁷ As discussed above, under the
10 Commission’s ultimate payee analysis, the disbursements to UBG should have been also been
11 treated as payments to Stockham.⁶⁸

12 Accordingly, payments that the Committee made to UBG prior to March 17, 2020, in the
13 amount of \$8,050, constitute impermissible salary payments because they occurred prior to when
14 Stockham was permitted to receive a salary. Payments that the Committee made to UBG after
15 November 3, 2020, totaling \$2,550, constitute impermissible salary payments because they

⁶⁴ Compl., Ex. 2 at 3 (emphasis omitted).

⁶⁵ Compl., Ex. 1 at 2.

⁶⁶ Stockham Resp. at 2.

⁶⁷ The monthly totals paid to UBG during the 2020 election cycle are: July 2019: \$300; August 2019: \$1,750; September 2019: \$0; October 2019: \$2,200; November 2019: \$1,000; December 2019: \$1,000; January 2020: \$1,300; February 2020: \$500; March 2020: \$300; April 2020: \$700; May-June 2020: \$0; July 2020: \$2,500; August 2020: \$500; September 2020: \$1,500; October 2020: \$2,000; November 2020: \$3,000; December 2020: \$550.

⁶⁸ *Supra* Part III.A (recommending that the Commission find reason to believe that the Committee failed to accurately report the payments to UBG as salary payments to Stockham).

1 occurred after the final date that Stockham was permitted to receive a salary.⁶⁹ Stockham
2 appears to have similarly received impermissible salary payments during the 2018 and 2016
3 election cycles: prior to the date on which Stockham could first receive a salary (totaling \$1,850)
4 and after the date of the general election (\$1,711).⁷⁰ The aggregate across all three cycles is
5 \$14,161.

6 Finally, during the time that Stockham was permitted to receive a salary, the Committee
7 made an excessive salary payment to Stockham that was not computed on a *pro-rata* basis.
8 Stockham received monthly salary payments of \$2,000 between July and October 2020, paid
9 between the 22nd and 31st of the month. The Committee paid Stockham an additional \$2,000 on
10 November 3, 2020. Assuming, *arguendo*, that Stockham was entitled to \$4,500 a month, as he
11 publicly claimed, Stockham would have been permitted to receive \$450 for November 1 through
12 November 3 ($\$4,500 \div 30 \text{ days} = \150 per day ; $\$150 \times 3 \text{ days} = \450).⁷¹ The remaining \$1,550
13 was therefore excessive, since Stockham was not permitted to receive any salary after November
14 3, 2020, the date of the general election.

⁶⁹ *Id.*

⁷⁰ FEC, 2018 CONGRESSIONAL PRIMARY DATES AND CANDIDATE FILING DEADLINES FOR BALLOT ACCESS (Aug. 17, 2018), <https://www.fec.gov/resources/cms-content/documents/2018pdates.pdf> (showing ballot access deadline of March 20, 2018, and general election date of November 6); FEC, 2016 CONGRESSIONAL PRIMARY DATES AND CANDIDATE FILING DEADLINES FOR BALLOT ACCESS (Apr. 21, 2016), <https://www.fec.gov/resources/cms-content/documents/2016pdates.pdf> (showing ballot access deadline of April 20, 2016, and general election date of November 8).

⁷¹ As stated above, Stockham has stated publicly that he believes that he is entitled to a campaign salary of \$4,500 per month, which would lead to an annual salary of \$54,000. *See* Compl., Ex. 1 at 2, Ex. 2 at 3. Stockham has not provided evidence of his income from the year prior to becoming a candidate, so the Commission is unable at this time to determine whether this amount is the permissible sum. Presuming that this amount is accurate, Stockham's reported salary payments of \$2,000 per month (\$24,000 per annum) are within the permissible range. Adding payments to UBG during the relevant time frame to Stockham's direct salary payments, the total only once exceeded \$4,500, by \$50 in November 2020. However, all payments in excess of \$450 that month, and those made after November 3, were already *per se* personal use as they were outside the permitted timeframe for Stockham to receive a salary from the Committee.

D. Moving Costs and Amazon Purchases

The Complaint alleges that reported “Office Moving Expenses” could not constitute valid campaign expenditures, as Stockham runs his campaign from his home.⁷² However, Stockham states that the disbursements were to move campaign equipment to a new storage location.⁷³ The Complaint also alleges that various payments to Amazon were “suspect.”⁷⁴ Stockham states that payments to Amazon were for marketing materials, equipment, and supplies.⁷⁵ The Complaint lacks sufficient information to support these allegations, both of which are denied by Stockham, and the Commission is aware of no other information that directly supports them, other than the separate alleged overall pattern of personal use. Accordingly, there is no reasonable basis to conclude that the moving costs and Amazon purchases were necessarily for personal use.⁷⁶

* * *

In conclusion, the available information supports a reasonable inference that Stockham converted Committee funds to personal use in connection with: (1) vehicle expenses, totaling at least \$2,369; (2) utilities, totaling \$773; and (3) impermissible salary payments, totaling \$15,711. The range is between \$18,853 and \$25,413.

Therefore, the Commission finds reason to believe that Stockham violated 52 U.S.C. § 30114(b) by converting campaign funds to personal use.

⁷² Compl. at 3.

⁷³ Stockham Resp. at 2.

⁷⁴ See Compl. at 3 (“Mr. Stockham lists a campaign expense on Jan. 2, 2020 to Amazon for Campaign Marketing Materials. Again, this expense is highly suspect.”).

⁷⁵ Stockham Resp. at 2.

⁷⁶ Statement of Reasons, Comm’rs Mason, Sandstrom, Smith, & Thomas at 1, MUR 4960 (Clinton for U.S. Exploratory Comm.) (“The Commission may find ‘reason to believe’ only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the [Act].”).

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Casper for Colorado and Matt Arnold in
his official capacity as treasurer

MUR: 7763

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission, alleging that Casper Wesley Stockham, a 2020 congressional candidate, converted campaign funds from his authorized committee, Casper for Colorado and Matt Arnold in his official capacity as treasurer (the “Committee”), to personal use in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”). Specifically, the Complaint alleges that Stockham used campaign funds for vehicle expenses unrelated to the campaign, utilities, moving expenses, and personal Amazon purchases. In addition, the Complaint alleges that Stockham received an impermissible salary from the Committee, and that the Committee failed to report Stockham’s salary. Related to the salary payments, the Complaint alleges that the Committee made payments to Stockham’s LLC to allow Stockham “to withdraw money for himself.” If the payments to the LLC amounted to salary payments, then they were not reported correctly. The Committee generally denies the allegations.

As discussed below, the available information supports the conclusion that the Committee converted campaign funds to Stockham’s personal use in connection with his vehicle and utility expenses. Moreover, it appears that the Committee’s payments to Stockham’s LLC should have been treated and reported as salary payments to Stockham. The record before the Commission also suggests that the payments to the LLC and other direct salary payments to

MUR 7763 (Casper for Colorado)
Factual and Legal Analysis
Page 2 of 18

1 Stockham did not comply with the Commission’s regulations because they were either excessive
2 or made outside the time period within which candidate salary payments are permitted.

3 Therefore, the Commission finds reason to believe that the Committee violated 52 U.S.C.
4 § 30114(b) by converting campaign funds to personal use, and 52 U.S.C. § 30104(b)(6) and
5 11 C.F.R. § 104.3(b) by failing to accurately report salary payments to Stockham.

6 **II. FACTUAL BACKGROUND**

7 Casper Stockham was a 2020 candidate in Colorado’s 7th Congressional District.¹ He
8 ran as the Republican candidate but was defeated in the general election.² Casper for Colorado
9 was his authorized campaign committee with Matt Arnold serving as treasurer.³ During the

¹ Stockham originally registered as a candidate in Colorado’s 6th Congressional District, but switched to the 7th District in April 2020. Casper Wesley Stockham, Original Statement of Candidacy (July 1, 2019), <https://docquery.fec.gov/pdf/197/201907019150438197/201907019150438197.pdf>; Casper Wesley Stockham, Amended Statement of Candidacy (Apr. 6, 2020), <https://docquery.fec.gov/pdf/356/202004069216597356/202004069216597356.pdf>.

² Stockham ran unopposed and won the Republican primary on June 30, 2020, and lost the general election on November 3, 2020. COLO. SEC’Y STATE, COLORADO ABSTRACT OF VOTES CAST FOR THE JUNE 30, 2020 STATE PRIMARY ELECTION at 19 (July 27, 2020), <https://www.sos.state.co.us/pubs/elections/files/2020StatePrimaryResultsCert.pdf> (reporting Stockham won 100% of the vote in the primary election); COLO. SEC’Y STATE, COLORADO ABSTRACT OF VOTES CAST FOR THE NOVEMBER 3, 2020 GENERAL ELECTION at 57-58 (Dec. 8, 2020), <https://www.sos.state.co.us/pubs/elections/Results/2020/StateAbstractCertAndReportSigned.pdf> (reporting Stockham lost with 37.6% of the vote in the general election to his opponent’s 59.1%).

³ Casper for Colorado, Amended Statement of Organization (Apr. 1, 2020), <https://docquery.fec.gov/pdf/441/202004069216597441/202004069216597441.pdf>. The Committee states that Arnold is “not integrated” into campaign operations and “relies upon information supplied by the candidate/committee” regarding disbursements. Committee Resp. at 2 (Aug. 7, 2020).

MUR 7763 (Casper for Colorado)
Factual and Legal Analysis
Page 3 of 18

1 2020 election, the Committee raised \$147,959 and spent the same amount.⁴ Stockham, who also
2 ran for Congress in 2016 and 2018, is a driver for Uber and Lyft.⁵

3 The Complaint alleges that, during the 2020 election, Stockham and the Committee
4 converted campaign funds to personal use in the categories elaborated below. The Committee
5 generally denies the allegations.⁶

6 **Vehicle Expenses** — The Complaint alleges that Stockham used campaign funds for
7 payments related to his occupation as an Uber and Lyft driver, including auto repairs, tolls, and
8 purchases at Wal-Mart and Sam’s Club that the Complaint infers must have been for gasoline.⁷
9 The Committee paid \$1,079 for auto repairs; \$1,290 for tolls; and \$3,026 at Wal-Mart and Sam’s
10 Club.⁸ The Complaint contends that, given Stockham’s profession as a ride-sharing driver, the

⁴ *Casper for Colorado – Financial Summary*, FEC.gov, <https://www.fec.gov/data/committee/C00710855/?tab=summary> (last visited Feb. 10, 2021).

⁵ In 2016 and 2018, Stockham was a candidate in Colorado’s 1st District, and though “Casper for Colorado” was the name of his committee in those elections, after each election cycle, Stockham terminated his committee and formed a new committee for the next election with the same name. *See* Charles (Casper) Wesley Stockham, Statement of Candidacy (Jan. 11, 2018), <https://docquery.fec.gov/pdf/256/201801119090394256/201801119090394256.pdf>; Casper for Colorado, Statement of Organization (Jan. 11, 2018), <https://docquery.fec.gov/pdf/256/201801119090394256/201801119090394256.pdf>; Casper for Colorado, Termination Report (Dec. 6, 2018), <https://docquery.fec.gov/pdf/317/201812069134879317/201812069134879317.pdf>; *Casper for Colorado—About This Committee*, FEC.GOV, <https://www.fec.gov/data/committee/C00665588/?cycle=2018&tab=about-committee> (last visited Feb. 10, 2021); Charles Wesley (“Casper”) Stockham, Amended Statement of Candidacy (Oct. 10, 2015), <https://docquery.fec.gov/pdf/438/201510190300028438/201510190300028438.pdf>; Casper for Colorado, Amended Statement of Org. (Oct. 10, 2015), <https://docquery.fec.gov/pdf/430/201510190300028430/201510190300028430.pdf>; Casper for Colorado, Termination Report (Jan. 3, 2017); <https://docquery.fec.gov/pdf/498/201701039040912498/201701039040912498.pdf> *Casper for Colorado—About This Committee*, FEC.GOV, <https://www.fec.gov/data/committee/C00585265/?tab=about-committee&cycle=2018> (last visited Feb. 10, 2021).

⁶ Committee Resp.

⁷ Compl. at 2 (July 17, 2020). The Complaint’s inference appears to be based in part on the proximity of Stockham’s residence to Sam’s Club and Wal-Mart, and that these merchants sell gasolines at these locations. *Id.* at 2. The Committee’s reports indicate that these expenditures were for, *e.g.*, campaign supplies.

⁸ The Commission notes that the Complaint was filed prior to the end of the election cycle, and as such refers to lower amounts than those that appear in the Committee’s reports for the whole cycle.

1 frequency and amount of the payments, and the location of alleged gasoline and toll purchases
2 along “lucrative UBER routes,” these expenditures indicate personal use of campaign funds.⁹

3 The Commission is in possession of information indicating that Stockham, as an Uber
4 and Lyft driver, routinely used his vehicle for non-campaign purposes but that, at the same time,
5 he was using the vehicle to promote his campaign and speak with potential voters. Accordingly,
6 the Committee acknowledges that “Mr. Stockham **may** have failed to apportion **some**” of the
7 vehicle expenditures.¹⁰ The Committee asserts that it is “perfectly legal” to apportion personal
8 and campaign vehicle expenses “[s]o long as adequate records are kept distinguishing such use,
9 and costs are apportioned among the different uses,” but does not submit that any records were
10 kept here.¹¹ Regarding the alleged gasoline purchases at Wal-Mart and Sam’s Club, the
11 Committee contends that the payments were not for vehicle expenses but, as reported on
12 disclosure reports, for unspecified “campaign supplies.”¹²

13 **Utilities** — The Complaint alleges that the Committee’s two disbursements to Comcast
14 totaling \$339 were for Stockham’s personal residence given that Stockham ran his campaign out
15 of his home.¹³ The Committee maintains that “[p]ayment for high-speed internet, used to access

⁹ Compl. at 2 (arguing that the payments were “for the specific purpose of funding a business entity . . . that has absolutely nothing to do with the operations of a political campaign”).

¹⁰ Committee Resp. at 2 (emphasis in original).

¹¹ *Id.*

¹² *Id.* at 3.

¹³ Compl. at 3.

1 and maintain campaign websites, social media, communications, and related functions is for a
2 legitimate campaign-related purpose.”¹⁴

3 **Amazon** — The Complaint alleges that the Committee’s reported payments to Amazon
4 for “campaign materials,” which totaled \$2,146 during the 2020 election, are “highly suspect,” in
5 light of the alleged pattern of converting campaign funds to personal use, but does not provide
6 any specific information that the items purchased were for non-campaign-related purposes.¹⁵
7 The Committee states that the allegation is “purely speculative, and devoid of evidentiary,
8 factual, and/or legal merit.”¹⁶

9 **Payments to Candidate-Owned LLC** — UBG Online LLC (“UBG”) is a Colorado
10 limited liability company which incorporated in 2003 and is owned by Stockham.¹⁷ During the
11 2020 election, the Committee paid \$19,100 to UBG for various purposes, including “social
12 media marketing,” “campaign marketing,” and “social media GOTV.”¹⁸

¹⁴ Committee Resp. at 3.

¹⁵ Compl. at 3.

¹⁶ Committee Resp. at 3.

¹⁷ *Business Entity Details*, COLO. SEC’Y OF STATE, <https://www.sos.state.co.us/biz/BusinessEntityCriteriaExt.do?resetTransTyp=Y> (last visited Feb. 10, 2021) (search “UBG online”). Stockham is listed as UBG’s registered agent on its Articles of Organization and his wife is listed as an “initial member;” no other person is listed on UBG’s Articles of Organization and no other names appear on any UBG state filing. UBG ONLINE LLC, ARTICLES OF ORGANIZATION 1 (Apr. 15, 2003), <https://www.sos.state.co.us/biz/ViewImage.do?masterFileId=20031121143&fileId=20031121143>; *Business Entity Details*, *supra*. From 2003, when the company was founded, to the present, Stockham has been responsible for filing all documents with the Colorado Secretary of State. *Id.* UBG became delinquent for failure to file reports with the Colorado Secretary of State on August 1, 2018, which was cured on June 3, 2019. *Id.*; UBG ONLINE LLC, STATEMENT CURING DELINQUENCY (June 3, 2019), <https://www.sos.state.co.us/biz/ViewImage.do?masterFileId=20031121143&fileId=20191467203>.

¹⁸ Other purposes include “website conversion,” “website setup configuration,” “campaign website[] conversion/archiving,” “website SEO work” “campaign SEO work,” and “campaign data archiving and wrapup work.”

1 The Complaint alleges that the Committee’s payments to UBG were not for legitimate
2 campaign services but rather a way for Stockham “to withdraw money for himself.”¹⁹ The
3 Committee asserts that UBG billed the Committee for “specific campaign-related tasks, and
4 these expenditures have been duly disclosed as such.”²⁰ The Commission is in possession of
5 several invoices from UBG to the Committee for services rendered, each of which matches a
6 reported expenditure by the Committee to UBG. It is unclear whether UBG has any employees
7 besides Stockham, and it does not appear to have any public internet presence. No other political
8 committees have reported any disbursements to UBG.²¹

9 **Candidate Salary** — The Complaint alleges that Stockham received a salary from the
10 Committee before he was legally permitted to do so and that the Committee failed to report the
11 salary.²² The allegations are based on Stockham’s statements referring to salary payments of
12 approximately \$1,500 month that he appears to acknowledge receiving from the Committee in or
13 around February 2020.²³ The Complaint asserts that Stockham was not permitted to take a salary

¹⁹ Compl. at 2-3. At the time of the Complaint, the amount of such payments was \$6,250.

²⁰ Committee Resp. at 3.

²¹ *FEC Disbursements: Filtered Results*, FEC.gov, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=UBG&two_year_transaction_period=2010&two_year_transaction_period=2012&two_year_transaction_period=2014&two_year_transaction_period=2016&two_year_transaction_period=2018&two_year_transaction_period=2020 (showing all reported disbursements to UBG since the 2010 election cycle, all of which were by the Committee or Stockham’s prior committees).

²² Compl. at 1-2.

²³ *Id.* In an email to supporters on February 15, 2020 Stockham wrote that FEC rules allow a candidate to be paid a salary by his campaign and that in his case the salary “has been on average a little over \$1500 a month.” Compl., Ex. 2 at 3 (emphasis omitted). In an interview with *Colorado Politics*, he stated that he was entitled to \$4,500 per month and that the campaign had been paying him “like \$1,500 or whatever.” Compl., Ex. 1 at 2 (attaching Ernest Luning, *Perennial GOP Candidate Casper Stockham Sent Contributions to His Own Company, Records Show*, COLO. POL. (June 17, 2020), https://www.coloradopolitics.com/news/perennial-gop-candidate-casper-stockham-sent-contributions-to-his-own-company-records-show/article_e0d09ebc-b010-11ea-87aa-5b29eeb20b9c.html).

1 until he received his party’s nomination on April 18, 2020, more than two months after making
2 the first statement that he was receiving a salary, and points out that the Committee’s FEC
3 disclosure reports did not reflect any salary payments to Stockham during this time.²⁴

4 The Committee denies that, as of the date of its Response in August 2020, it had paid
5 Stockham a salary.²⁵ In its Response, however, the Committee states that it had advised
6 Stockham to “begin taking a salary, funds permitting, beginning 1 July 2020.”²⁶ Between July
7 31 and November 3, 2020, the Committee reported a series of five \$2,000 monthly salary
8 payments (totaling \$10,000) to Stockham.

9 **Moving** — The Complaint alleges that the Committee’s payment of “Office Moving
10 Expenses” totaling \$420 to Kaleem Howze is suspect because “Stockham has always run his
11 campaign from his home and thus it is unclear why he would list payments [for moving].”²⁷ The
12 Committee states that the Complaint “errs in asserting that Mr. Stockham has not incurred
13 campaign moving expenses.”²⁸

²⁴ Compl. at 2, 3.

²⁵ Committee Resp. at 2-3 (“The campaign *has not paid* Mr. Stockham a salary to date.”) (emphasis in original). In fact, the Committee had paid its first salary to Stockham on July 31, 2020, but disclosure reports otherwise confirm that the Committee had not previously reported any such payments.

²⁶ Committee Resp. at 3.

²⁷ Compl. at 3.

²⁸ Committee Resp. at 3.

1 **III. LEGAL ANALYSIS**

2 **A. The Commission Finds Reason to Believe that the Committee Failed to**
3 **Accurately Report Disbursements for Stockham’s Salary**

4 Prior to addressing the Complaint’s allegation of personal use, the Commission must first
5 identify the extent of potential personal use, including whether the payments to UBG,
6 Stockham’s consulting firm, were arm’s-length transactions or in fact amounted to salary
7 payments to Stockham that were not properly reported. The Act and Commission regulations
8 require political committees to report the name and address of each person to whom they make
9 disbursements aggregating more than \$200 per calendar year, or per election cycle for authorized
10 committees, as well as the date, amount, and purpose of such payments.²⁹ The reporting
11 requirements are intended to ensure public disclosure of “where political campaign money comes
12 from and how it is spent,”³⁰ as well as “deter[] and help[] expose violations” of the Act and
13 Commission regulations.³¹

14 The Act and Commission regulations “are silent with respect to any definition or
15 description of the person to whom an expenditure is made. Moreover, they do not address the

²⁹ 52 U.S.C. § 30104(b)(6); 11 C.F.R. § 104.3(b).

³⁰ Factual & Legal Analysis at 8, MUR 6724 (Bachmann for President, *et al.*) (quoting *Buckley v. Valeo*, 424 U.S. 1, 66 (1976)).

³¹ *SpeechNow.org v. FEC*, 599 F.3d 686, 698 (D.C. Cir. 2010) (*en banc*) (“But the public has an interest in knowing who is speaking about a candidate and who is funding that speech . . . [f]urther, requiring disclosure of such information deters and helps expose violations of other campaign finance restrictions”); *Buckley*, 424 U.S. at 67-68 (explaining that disclosure “deter[s] actual corruption and avoid[s] the appearance of corruption” and that “recordkeeping, reporting, and disclosure requirements are an essential means of gathering the data necessary to detect violations” of the Act); *Citizens United v. FEC*, 558 U.S. 310, 369-71 (2010) (recognizing that “transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages”).

1 concepts of ultimate payees, vendors, agents, contractors, or subcontractors in this context.”³²
2 However, the Commission concluded in Advisory Opinion 1983-25 (Mondale) (the “Mondale
3 Opinion”) that payments to other persons, “which are made to purchase services or products used
4 in performance of [a vendor’s] contract with the Committee,” do not have to be separately
5 reported.³³ The Commission considered several factors in its analysis as to whether “further
6 itemization of payments made by [vendors] to others” is required, including whether: (1) the
7 vendor had a legal existence as a corporation separate from the operations of the committee;
8 (2) the vendor’s principals held any staff positions with the committee; (3) the committee
9 conducted arm’s-length negotiations with the vendor; (4) the vendor was required to devote its
10 “full efforts” to the contract and expected to have contracts with other campaigns and entities;
11 and (5) the committee had an interest in the vendor’s other contracts.³⁴ The Commission has
12 further determined that reporting the immediate recipient of a disbursement will not satisfy the
13 Act’s reporting requirements when the facts indicate that the recipient is “merely a conduit for
14 the intended recipient of the funds.”³⁵

15 Given that UBG was not “separate and distinct” from Stockham and the Committee,
16 based on the available information, it appears that the Committee was required to report

³² Advisory Op. 1983-25 (Mondale) at 2 [hereinafter Mondale Opinion]. The Commission has also addressed the issue of reporting ultimate payees of political committee disbursements in situations not applicable to the facts of the instant matter, relating to reimbursements for out-of-pocket expenses, payments to credit card companies, and unreimbursed disbursements by candidates. *See* Reporting Ultimate Payees of Political Committee Disbursements, 78 Fed. Reg. 40,625, 40,626-27 (July 8, 2013).

³³ Mondale Opinion at 2; *see also* Factual & Legal Analysis at 12, MUR 6510 (Kirk for Senate, *et al.*) (holding that “a committee need not separately report its consultant’s payments to other persons — such as those payments for services or goods used in the performance of the consultant’s contract with the committee”).

³⁴ Mondale Opinion at 3.

³⁵ Factual & Legal Analysis at 9, MUR 6724 (Bachmann for President, *et al.*).

1 payments to UBG as payments to Stockham.³⁶ Applying the factors of the Mondale Opinion,
2 UBG does have a “legal existence as a corporation separate from the operations of the
3 [C]ommittee,” as it was originally incorporated in Colorado on April 15, 2003, and is listed as in
4 “good standing” as of the writing of this Report.³⁷ However, UBG’s principal, Stockham, held
5 not just a “staff position[] with the [C]ommittee” but indeed was the candidate, and the
6 Commission has seen no indication that UBG was, or even could have been, retained by the
7 Committee via “arm’s length negotiations.” It further appears that UBG was required to devote
8 its “full efforts” to Stockham’s campaign, as no federal committee other than Stockham’s
9 authorized committees has ever reported any disbursement to UBG and there are no indications
10 that UBG had non-political clients.³⁸ Finally, Stockham, as the owner of UBG, “had an interest”
11 in all contracts to which UBG was a party. Under the standards applied by the Commission in
12 the Mondale Opinion, which have been followed in subsequent matters, UBG was not separate
13 and distinct from the campaign and, as such, the Committee was required to report payments to

³⁶ See Factual & Legal Analysis at 12, MUR 6510 (Kirk for Senate, *et al.*) (finding that, where a vendor was “separate and distinct” from a committee, among other factors, the committee did not have to report payments made by the vendor to its subcontractors, the ultimate payees).

³⁷ *Business Entity Details*, COLO. SEC’Y OF STATE, <https://www.sos.state.co.us/biz/BusinessEntityCriteriaExt.do?resetTransTyp=Y> (last visited Feb. 10, 2021) (search “UBG online”).

³⁸ *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=UBG&two_year_transaction_period=2004&two_year_transaction_period=2006&two_year_transaction_period=2008&two_year_transaction_period=2010&two_year_transaction_period=2012&two_year_transaction_period=2014&two_year_transaction_period=2016&two_year_transaction_period=2018&two_year_transaction_period=2020&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited Feb. 10, 2021) (showing all disbursements to UBG since 2003).

1 UBG as payments to Stockham.³⁹ Moreover, as detailed in the next section, these payments
2 from the Committee to UBG (which, in effect, were payments to Stockham) obscured what
3 should have been treated as salary payments.⁴⁰

4 Therefore, the Commission finds reason to believe that the Committee violated 52 U.S.C.
5 § 30104(b)(6) and 11 C.F.R. § 104.3(b) by failing to accurately report disbursements.

6 **B. The Commission Finds Reason to Believe that the Committee Converted**
7 **Campaign Funds to Stockham’s Personal Use**

8 The Act prohibits the conversion of campaign funds by any person to “personal use.”⁴¹
9 “Personal use” is the use of funds in a campaign account “to fulfill a commitment, obligation or
10 expense of any person that would exist irrespective of the candidate’s campaign or duties as a
11 Federal officeholder.”⁴² The Act and Commission regulations list certain uses of campaign
12 funds that constitute *per se* conversion to personal use including a home mortgage, rent, utility
13 payments, and non-campaign-related automobile expenses.⁴³ For other payments, the
14 “Commission will determine, on a case-by-case basis, whether other uses” of campaign funds

³⁹ See, e.g., Factual & Legal Analysis at 12, MUR 6510 (Kirk for Senate, *et al.*) (finding that a vendor was separate and distinct from the committee; that the vendor provided services to other political campaigns during the same time period; that the committee had no interest in the vendor’s contracts; that no individual associated with the vendor held a position with the committee; and that the committee engaged the vendor through an arms-length transaction, and that, as a result, the committee needed only report its disbursements to the primary vendor, not payments the primary vendor made to the subcontractor).

⁴⁰ As noted above, the Commission has determined that reporting the immediate recipient of a disbursement will not satisfy the Act’s reporting requirements where the recipient is “merely a conduit for the intended recipient of the funds.” Factual & Legal Analysis at 9, MUR 6724 (Bachmann for President, *et al.*); see Conciliation Agreement ¶ IV.6, MUR 4872 (Jenkins for Senate) (conciliating where committee routed payments through a third party to conceal its relationship with the ultimate recipient was therefore required to report the disbursements as made to the ultimate recipient).

⁴¹ 52 U.S.C. § 30114(b).

⁴² 11 C.F.R. § 113.1(g).

⁴³ 52 U.S.C. § 30114(b)(2)(A)-(I); 11 C.F.R. § 113.1(g).

1 constitute personal use by applying the “irrespective test,” that is, whether the payment fulfills a
2 commitment, obligation, or expense that would exist irrespective of the candidate’s campaign or
3 duties as a federal officeholder.⁴⁴

4 Under the personal use provision, a candidate is permitted to receive a salary from his or
5 her principal campaign committee, subject to rules governing the timing and amount.⁴⁵ As for
6 timing, the committee shall not pay a salary to a candidate before the filing deadline for access to
7 the primary election ballot for the federal office that the candidate seeks, as determined by state
8 law.⁴⁶ If the candidate wins the primary, his or her principal campaign committee may pay him
9 or her a salary through the date of the general election.⁴⁷ The amount of the candidate’s salary
10 shall not exceed the lesser of: (1) the minimum salary paid to a federal officeholder holding the
11 office that the candidate seeks or (2) the earned income that the candidate received during the
12 year prior to becoming a candidate.⁴⁸ Should the minimum salary paid to a federal officeholder
13 be the lesser figure, any earned income that a candidate receives from salaries or wages from any
14 other source during his or her candidacy shall count against this sum.⁴⁹ During the time period
15 in which a principal campaign committee may pay a salary to a candidate, such payment must be

⁴⁴ 11 C.F.R. § 113.1(g)(1)(ii).

⁴⁵ 52 U.S.C. § 30114(b)(2); 11 C.F.R. § 113.1(g)(1)(i)(I).

⁴⁶ 11 C.F.R. § 113.1(g)(1)(i)(I).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.* Upon request of the Commission, the candidate must provide evidence of earned income. *Id.*

1 computed on a *pro-rata* basis.⁵⁰ The payment of a salary to candidates that do not meet these
2 conditions is considered *per se* personal use.⁵¹

3 As explained below, based on the available information, it appears that Stockham, the
4 candidate, impermissibly converted Committee funds to personal use with respect to the vehicle
5 and utilities expenses. The record further indicates that Stockham received an impermissible
6 salary from the Committee. With respect to the moving expenses and Amazon purchases, there
7 is no information to support an inference that these payments were for personal use.

8 1. Vehicle Expenses

9 Because Uber and Lyft customers entered Stockham's vehicle as part of a non-campaign-
10 related business transaction, Stockham's use of his vehicle for the provision of ride-sharing
11 services and the expenses associated with that use existed irrespective of his campaign. Thus,
12 Stockham would have incurred the vehicle expenses regardless of his candidacy. Moreover, it
13 does not appear that the Committee kept any records of vehicle usage to account for the
14 apportionment between personal and campaign-related activities.⁵² Indeed, the Committee does
15 not point to any specific campaign use of the vehicle. Accordingly, it appears that charges for
16 auto repairs (\$1,079) and tolls (\$1,290), totaling \$2,369, were for personal use. However, it is
17 unclear whether the alleged gasoline charges at Wal-Mart and Sam's Club were for personal use.

⁵⁰ *Id.* This is intended to prevent a candidate's principal campaign committee from paying the candidate the entire minimum annual salary for the Federal office sought by the candidate, unless he or she is a candidate, as defined by 11 C.F.R. § 100.3(a), for at least one year. *See* Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds; 67 Fed. Reg. 76,962, 76,972 [hereinafter Personal Use E&J] (Dec. 13, 2002).

⁵¹ *Id.*; Personal Use E&J at 76,972.

⁵² 11 C.F.R. § 113.1(g)(1)(ii)(D); *see* Second Gen. Counsel's Rpt. at 10-11, MUR 6498 (Lynch for Congress) (recommending conciliation regarding personal use where candidate made expenditures for gasoline, tolls, and parking for a vehicle driven for mixed purposes but did not maintain records of the use).

1 In its Response, the Committee suggests, but does not equivocally state, that purchases at Wal-
2 Mart and Sam's Club were not for gasoline, and the Committee's reports indicate that purchases
3 at these vendors were for, *e.g.*, "campaign supplies."⁵³ Nevertheless, many of the individual
4 disbursements to Wal-Mart and Sam's Club are in amounts inconsistent with gasoline
5 purchases.⁵⁴

6 2. Utilities

7 The Committee's payment of Comcast bills for Stockham's personal residence totaling
8 \$339 is *per se* personal use despite the fact that Stockham operated his campaign out of his
9 home.⁵⁵ Commission regulations make clear that personal use includes "utility payments for any
10 part of any personal residence of the candidate or a member of the candidate's family," and the
11 Commission has previously held that the prohibition extends to instances where a candidate's
12 home doubles as his or her campaign headquarters.⁵⁶

13 3. Salary

14 As stated above, federal candidates may receive a salary from their principal campaign
15 committees starting the date of the filing deadline for access to the primary election ballot for the

⁵³ Committee Resp. at 3 ("Mr. Kirkland's allegations regarding committee purchases of campaign supplies and equipment at retail stores near Mr. Stockham's residence are risibly devoid of factual or legal merit, are unsupported by any substantive evidence and are purely speculative. Should Mr. Stockham only be allowed to purchase campaign supplies & equipment at stores or locations far remote from his residence (and campaign office/headquarters)? Ludicrous.").

⁵⁴ For example, multiple disbursements were made for amounts greater than \$100, and others for as little as \$3.

⁵⁵ *See id.*; Committee Resp. at 3.

⁵⁶ 11 C.F.R. § 113.1(g)(1)(E)(1); *see, e.g.*, Factual & Legal Analysis at 6, MUR 6380 (Friends of Christine O'Donnell, *et al.*) (finding reason to believe a candidate who ran her campaign from her primary residence had converted campaign funds to personal use by paying her mortgage and utility bills); *see also* *FEC v. O'Donnell*, 209 F. Supp. 3d 727, 734-36 (D. Del. 2016) (holding O'Donnell's payments of rent constituted personal use and requiring O'Donnell to disgorge converted funds and pay a \$25,000 civil penalty).

MUR 7763 (Casper for Colorado)
Factual and Legal Analysis
Page 15 of 18

1 office the candidate seeks, until the date of the general election (assuming that the candidate was
2 successful in the primary election).⁵⁷ Applied here, March 17, 2020, was the first date on which
3 Stockham was permitted to receive a salary and, because he won the primary election,
4 November 3, 2020, was the final day he was permitted to receive a salary.⁵⁸ Moreover, as
5 relevant here, the amount of a candidate salary shall not exceed the candidate's earned income
6 during the year prior to becoming a candidate.⁵⁹ Though the Commission does not have specific
7 information on Stockham's 2018 earned income, in statements to the media, Stockham claimed
8 that he was entitled to \$4,500 per month (equating to a \$54,000 yearly salary).⁶⁰ As explained
9 below, based on the available information, it appears that Stockham received impermissible
10 salary payments before and after the operative dates and, further, that one of the payments was
11 excessive because it was not computed on a *pro-rata* basis.

12 On February 15, 2020, Stockham claimed in an email to his supporters that he was
13 receiving a monthly salary from the Committee of approximately \$1,500.⁶¹ Stockham reiterated

⁵⁷ 11 C.F.R. § 113.1(g)(1)(i)(I). The Complaint appears mistaken as a matter of law as to which date applies to the Act's salary provision. *Compare* 11 C.F.R. § 113.1(g)(1)(i)(I) ("Salary shall not be paid to a candidate before **the filing deadline for access to the primary election ballot** for the Federal office that the candidate seeks, as determined by State law" (emphasis added)) *with* Compl. at 3 ("Mr. Stockham was not even eligible to begin taking a salary from his campaign . . . until April 18th . . . **when he became the official candidate** for District 7." (emphasis added)).

⁵⁸ COLO. SEC'Y STATE, 2020 ELECTION CALENDAR at 4 (Sept. 15, 2020), <https://www.sos.state.co.us/pubs/elections/calendars/2020ElectionCalendar.pdf> (listing March 17, 2020, as the "[I]ast day to file major party candidate petitions"); FEC, 2020 CONGRESSIONAL PRIMARY DATES AND CANDIDATE FILING DEADLINES FOR BALLOT ACCESS (July 17, 2020), <https://www.fec.gov/resources/cms-content/documents/2020pdates.pdf> (listing March 17, 2020 as "FILING DEADLINE FOR PRIMARY BALLOT ACCESS" for Colorado).

⁵⁹ 11 C.F.R. § 113.1(g)(1)(i)(I).

⁶⁰ Compl., Ex. 1 at 2, Ex. 2 at 3.

⁶¹ Compl., Ex. 2 at 3 (emphasis omitted).

MUR 7763 (Casper for Colorado)
Factual and Legal Analysis
Page 16 of 18

1 this claim to *Colorado Politics*.⁶² Nonetheless, the Committee contends that Stockham did not,
2 in fact, receive any salary until July 31, 2020.⁶³ The available information suggests that
3 Stockham may have been referring, at least in part, to the payments to his LLC for work he
4 performed on behalf of the campaign.⁶⁴ As detailed in the prior section, under the Commission's
5 ultimate payee analysis, the disbursements to UBG should have been also been reported as
6 payments to Stockham.⁶⁵ Because Stockham was the LLC's owner, any payments to the LLC
7 for services Stockham provided to the Committee were effectively salary payments made by the
8 Committee, through the LLC, to Stockham. Therefore, for the purposes of the analysis below as
9 to whether Stockman received an impermissible salary, the payments to the LLC must be
10 included as well.

11 Accordingly, payments that the Committee made to UBG prior to March 17, 2020, in the
12 amount of \$8,050, constitute impermissible salary payments because they occurred prior to when
13 Stockham was permitted to receive a salary. Payments that the Committee made to UBG after
14 November 3, 2020, totaling \$2,550, constitute impermissible salary payments because they
15 occurred after the final date that Stockham was permitted to receive a salary.⁶⁶ The total of these
16 payments is \$10,600.

⁶² Compl., Ex. 1 at 2.

⁶³ Committee Resp. at 2, 3.

⁶⁴ The monthly totals paid to UBG during the 2020 election cycle are: July 2019: \$300; August 2019: \$1,750; September 2019: \$0; October 2019: \$2,200; November 2019: \$1,000; December 2019: \$1,000; January 2020: \$1,300; February 2020: \$500; March 2020: \$300; April 2020: \$700; May-June 2020: \$0; July 2020: \$2,500; August 2020: \$500; September 2020: \$1,500; October 2020: \$2,000; November 2020: \$3,000; December 2020: \$550.

⁶⁵ *Supra* Part III.A (finding reason to believe that the Committee failed to accurately report the payments to UBG as salary payments to Stockham).

⁶⁶ *Id.*

1 Finally, during the time that Stockham was permitted to receive a salary, the Committee
2 made an excessive salary payment to Stockham that was not computed on a *pro-rata* basis.
3 Stockham received monthly salary payments of \$2,000 between July and October 2020, paid
4 between the 22nd and 31st of the month. The Committee paid Stockham an additional \$2,000 on
5 November 3, 2020. Assuming, *arguendo*, that Stockham was entitled to \$4,500 a month, as he
6 publicly claimed, Stockham would have been permitted to receive \$450 for November 1 through
7 November 3 ($\$4,500 \div 30 \text{ days} = \150 per day ; $\$150 \times 3 \text{ days} = \450).⁶⁷ The remaining \$1,550
8 was therefore excessive, since Stockham was not permitted to receive any salary after November
9 3, 2020, the date of the general election.

10 4. Moving Costs and Amazon Purchases

11 The Complaint alleges that reported “Office Moving Expenses” could not constitute valid
12 campaign expenditures, as Stockham runs his campaign from his home.⁶⁸ However, the
13 Committee disputes this assertion.⁶⁹ The Complaint also alleges that various payments to
14 Amazon were “suspect.”⁷⁰ The Committee states that the Complaint’s allegations regarding

⁶⁷ As stated above, Stockham has stated publicly that he believes that he is entitled to a campaign salary of \$4,500 per month, which would lead to an annual salary of \$54,000. *See* Compl., Ex. 1 at 2, Ex. 2 at 3. Stockham has not provided evidence of his income from the year prior to becoming a candidate, so the Commission is unable at this time to determine whether this amount is the permissible sum. Presuming that this amount is accurate, Stockham’s reported salary payments of \$2,000 per month (\$24,000 per annum) are within the permissible range. Adding payments to UBG during the relevant time frame to Stockham’s direct salary payments, the total only once exceeded \$4,500, by \$50 in November 2020. However, all payments in excess of \$450 that month, and those made after November 3, were already *per se* personal use as they were outside the permitted timeframe for Stockham to receive a salary from the Committee.

⁶⁸ Compl. at 3.

⁶⁹ Committee Resp. at 3.

⁷⁰ *See* Compl. at 3 (“Mr. Stockham lists a campaign expense on Jan. 2, 2020 to Amazon for Campaign Marketing Materials. Again, this expense is highly suspect.”).

1 these purchases are “purely speculative.”⁷¹ The Complaint lacks sufficient information to
2 support these allegations, both of which are denied by the Committee, and the Commission is
3 aware of no other information that directly supports them, other than the separate alleged overall
4 pattern of personal use. Accordingly, there is no reasonable basis to conclude that the moving
5 costs and Amazon purchases were necessarily for personal use.⁷²

6 * * *

7 In conclusion, the available information supports a reasonable inference that the
8 Committee converted campaign funds to Stockham’s personal use in connection with:
9 (1) vehicle expenses, totaling at least \$2,369; (2) utilities, totaling \$339; and (3) impermissible
10 salary payments, totaling \$12,150. The range is between \$14,858 and \$17,794.

11 Therefore, the Commission finds reason to believe that the Committee violated 52 U.S.C.
12 § 30114(b) by converting campaign funds to personal use.

⁷¹ Committee Resp. at 3.

⁷² Statement of Reasons, Comm’rs Mason, Sandstrom, Smith, & Thomas at 1, MUR 4960 (Clinton for U.S. Exploratory Comm.) (“The Commission may find ‘reason to believe’ only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the [Act].”).