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June 29, 2022

Federal Election Commission
 Office of Complaint Examination
 & Legal Administration
 Attn: Roy Q. Lockett
 1050 First Street NE
 Washington, DC 20463

VIA EMAIL: cela@fec.gov.

Re: Supplemental Response MUR 7772

We represent Salvemos A Puerto Rico (“Salvemos”) and Joseph Fuentes-Fernandez, in his official capacity as Treasurer (collectively “the Respondents”) in the above-referenced matter. We write this Response to provide additional information that will further assist the Commission in quickly resolving this matter.

Over the past two years, the Respondents were under investigation by the United States Department of Justice (“DOJ”) over activities conducted by the Respondents during the 2020 election. Part of DOJ’s investigation included allegations of coordination between Salvemos and Governor Pedro Pierluisi’s campaign committee, Comité Amigos Pedro Pierluisi, the exact allegation at issue in MUR 7772. The DOJ investigation ended on May 5, 2022 with the Respondents pleading guilty to one count of scheming to falsify and conceal material facts, in violation of 18 U.S.C. § 1001. Under the plea agreement, Salvemos has agreed to pay a \$150,000 fine and file amended campaign finance reports with the Commission.¹ Notably, neither Mr. Fuentes-Fernandez’s guilty plea nor Salvemos’ guilty plea involves any admission or allegation of coordination between Salvemos and Governor Pierluisi’s campaign committee.

Mr. Fuentes-Fernandez’s sentencing is scheduled for August 15, 2022.² We presume that the Commission has been holding this matter in abeyance pending the close of DOJ’s investigation. As a result, we respectfully ask that the Commission close or resolve this matter prior to the sentencing date.

¹ Salvemos’ campaign finance reports will be amended in consultation with Salvemos’ Reports and Analysis Division (RAD) Analyst.

² For additional information, please see DEPT. OF JUSTICE, OFFICE OF PUBLIC AFFAIRS, *Super PAC and its president Plead Guilty to Dark Money Scheme to File False Reports with the FEC* (May 5, 2022), <https://www.justice.gov/opa/pr/super-pac-and-its-president-plead-guilty-dark-money-scheme-file-false-reports-fec>.

While we recognize that it is unusual for the Commission to expedite the resolution of enforcement matters, we believe that the passage of time and the extraordinary circumstances in this matter warrant the Commission acting swiftly to resolve this matter. More specifically, we ask that the Commission resolve this matter prior to Mr. Fuentes-Fernandez's sentencing.

This matter has been with the Commission for almost two years. We understand that your abeyance due to the DOJ investigation, as well as the Commission's well-documented enforcement backlog,³ have caused understandable delays in making determinations on this matter. Nonetheless, we respectfully request that the Commission prioritize this matter for resolution.⁴ Given Mr. Fuentes-Fernandez's upcoming sentencing, we request the Commission make the best efforts to resolve this matter before August 15. If you have any questions or we can be of further assistance in getting this matter resolved, please contact us at cspies@dickinson-wright.com or kreynolds@dickinson-wright.com. For questions regarding DOJ's investigation, please contact Jonathan Jacobson at Jonathan.Jacobson@usdoj.gov.

Sincerely,



Charlie Spies
Katie Reynolds
Counsel to Respondents

³ Brian Naylor, *The Federal Election Commission Can Finally Meet Again. And It Has A Big Backlog*, NATIONAL PUBLIC RADIO (Dec. 24, 2020); Karl Evers-Hillstrom, *Senate Restores FEC As Agency Confronts Massive Backlog of Cases*, OPENSECRETS (Dec. 9, 2020).

⁴ We believe this should be an easy matter to resolve, as the Commission has, in past precedent, deferred to the Department of Justice's conclusions. Statement of Reasons of Chairman Danny L. McDonald, Vice Chairman David M. Mason, and Commissioners Karl J. Sandstrom, Bradley A. Smith, Scott E. Thomas, and Darryl R. Wold, Pre-MUR 385 (Phillip R. Davis) (May 7, 2001) ("Because the violations at issue have been addressed by the Justice Department in a criminal prosecution and a further expenditure of resources is not warranted relative to other matters pending before the Commission, we exercised our prosecutorial discretion by not taking further action."). See also, e.g., MUR 6865 (Jose Susumo Azano Matsura) (declining to further pursue Azano's 52 U.S.C. §§ 30121 and 30122 knowing and willful violations after criminal prosecution for same activity, and sentence of three years' incarceration, assessment of \$3,700, and additional restitution of \$560,995); MUR 6761 (Kenneth A. Barfield) (declining to further pursue Barfield's knowing and willful violation of 52 U.S.C. §§ 30102(b), 30102(c), 30114, 30116, 30122, and 30125(e), to further pursue action against Barfield, who had pleaded guilty to three criminal counts, including "Embezzlement of Funds Contributed to a Federal Candidate," was sentenced to 87 months in federal prison, and was ordered to pay \$2,940,821 in restitution); Factual & Legal Analysis at 1-2, MUR 7072 (Babulal Bera) (Jan. 4, 2017) (declining to pursue further action against perpetrator of conduit scheme "among the largest [ever] considered" after Bera pleaded guilty to one criminal count each under 52 U.S.C. §§ 30116(a)(1)(A) and 30122 and was sentenced to a prison term of one year and one day, supervised release for a term of 36 months, and a criminal fine of \$100,000, while also noting statute of limitations concerns and respondent's advanced age); Factual & Legal Analysis at 2, 5, MUR 6231 (Glenn Marshall) (Nov. 17, 2009) (declining to further pursue action against Marshall, who had pleaded guilty to five criminal counts for knowing and willful violations of provisions now codified at 52 U.S.C. §§ 30118 and 30122 and was sentenced to 41 months in federal prison and ordered to pay restitution of \$467,612.62); Factual & Legal Analysis at 1, MUR 6232 (Gladwin Gill) (Nov. 17, 2009) (declining to further pursue action against Gill who had pleaded guilty to one criminal count of making contributions in the name of another in violation of the provision now codified at 52 U.S.C. § 30122 and was sentenced to one year and one day in federal prison, followed by three years of supervised release, and was fined \$200,100).