

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 7792  
 Ohio Democratic Party and Patricia )  
 Frost-Brooks in her official capacity as )  
 treasurer; Alaina Shearer; Alaina Shearer )  
 for Congress and Scott M. Hubay in his )  
 official capacity as treasurer; Desiree )  
 Tims; Gem City Rise PAC (f/k/a Friends )  
 of Desiree Tims) and Scott M. Hubay in )  
 his official capacity as treasurer )

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on April 05, 2022, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-4 to:
  - a. Find no reason to believe that the Ohio Democratic Party and Patricia Frost- Brooks in her official capacity as treasurer violated 52 U.S.C. § 30114(b)(2) or 52 U.S.C. § 30116(a)(2)(A).
  - b. Find no reason to believe that Alaina Shearer and Alaina Shearer for Congress and Scott M. Hubay in his official capacity as treasurer violated 52 U.S.C. § 30114(b)(2), 52 U.S.C. § 30116(a)(2)(A), or 52 U.S.C. § 30116(f).
  - c. Find no reason to believe that Desiree Tims and Gem City Rise PAC (f/k/a Friends of Desiree Tims) and Scott M. Hubay in his official capacity as treasurer violated 52 U.S.C. § 30114(b)(2), 52 U.S.C. § 30116(a)(2)(A), or 52 U.S.C. § 30116(f).
  - d. Dismiss the allegation that the Ohio Democratic Party and Patricia Frost-Brooks in her official capacity as treasurer violated 52 U.S.C. § 30104(b)(4), pursuant to the Commission prosecutorial discretion under *Heckler v. Chaney*.
  - e. Find reason to believe that Alaina Shearer for Congress and Scott M. Hubay in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(4).

- f. Find reason to believe that Gem City Rise PAC (f/k/a Friends of Desiree Tims) and Scott M. Hubay in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(4).
- g. Authorize conciliation prior to a finding of probable cause to believe with Alaina Shearer for Congress and Scott M. Hubay in his official capacity as treasurer, and Gem City Rise PAC (f/k/a Friends of Desiree Tims) and Scott M. Hubay in his official capacity as treasurer.
- i. Approve the proposed Conciliation Agreements with respect to Alaina Shearer for Congress and Scott M. Hubay in his official capacity as treasurer, and Gem City Rise PAC (f/k/a Friends of Desiree Tims) and Scott M. Hubay in his official capacity as treasurer, as recommended in the First General Counsel's Report dated January 26, 2022.
- j. Approve the appropriate letters.

Commissioners Broussard and Dickerson voted affirmatively for the motion.

Commissioners Cooksey, Trainor, Walther, and Weintraub dissented.

2. Failed by a vote of 2-4 to:
  - a. Dismiss the allegation pursuant to *Heckler v. Chaney*.
  - b. Close the file.
  - c. Issue the appropriate letters.

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

Attest:



Vicktoria J Allen

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Allen  
Date: 2022.04.08 15:50:19 -04'00'

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Vicktoria J. Allen  
Acting Deputy Secretary of the  
Commission