

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 for the Federal Election Commission executive session on April 26, 2022, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 7792:

1. 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).
2. 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).
3. 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).
4. 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's prosecutorial discretion under *Heckler v. Chaney*.

5. 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).
6. 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).
7. Approve the Factual and Legal Analysis for the Ohio Democratic Party and Patricia Frost-Brooks in her official capacity as treasurer, as last circulated by Chairman Dickerson's Office on April 21, 2022 at 2:02 p.m., and further subject to the edits discussed at the table.
8. Approve the Factual and Legal Analyses for 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 last circulated by Chairman Dickerson's Office on April 22, 2022 at 12:48 p.m.
9. 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.
10. 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.
11. Approve the appropriate letters.

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

Attest:



Vicktoria J Allen

Digitally signed by Vicktoria J
 Allen
 Date: 2022.04.28 19:32:40 -04'00'

Vicktoria J. Allen
 Acting Deputy Secretary of the Commission