

**RECEIVED****FEDERAL ELECTION COMMISSION****OCTOBER 28, 2020 5:12 PM****OFFICE OF GENERAL COUNSEL****BEFORE THE FEDERAL ELECTION COMMISSION****C.A. "Neil" Combee**

Polk City, FL 33868

v.

MUR No. **7848****Alan Cohn  
Cohn for Congress**

Tampa Bay, Florida 33647

**House Victory Project 2020**  
918 Pennsylvania Ave SE  
Washington, D.C. 20003**Complaint**

This complaint is filed pursuant to 52 U.S.C. §§ 30118(a) and 30109(a)(1) and is based on information providing reason to believe that Alan Cohn and Cohn for Congress (“Respondents”) violated and are violating the contribution prohibitions established by the Federal Election Campaign Act of 1971, as amended (“FECA”), 52 U.S.C. § 30101, *et. seq.* and Commission regulations. Specifically, the Respondents accepted an excessive contribution from House Victory Project 2020 in the amount of \$235,029.40.<sup>1</sup> The standard for an FEC investigation is, “If the Commission, upon receiving a complaint... has reason to believe that a person has committed, or is about to commit, a violation of [FECA]... [t]he Commission shall make an investigation of such alleged violation...” 52 U.S.C. § 30109(a)(2); see also 11 C.F.R. § 111.4(a). That standard is easily met in this matter and the Commission should take proper action.

Alan Cohn is a candidate for Florida’s 15<sup>th</sup> Congressional District, and his principal campaign committee is Cohn for Congress.<sup>2</sup> House Victory Project 2020 is a joint fundraising committee that boosts Democrats to unseat House Republicans in toss-up districts.<sup>3</sup> On September 30, 2020, the Respondents received a contribution (through a transfer of funds) from House Victory Project 2020 in the amount of \$235,029.40.<sup>4</sup> At the date of the contribution, House Victory Project 2020 was not an authorized committee of Cohn for Congress. House Victory Project 2020 was not listed as an authorized committee until October 4, 2020.<sup>5</sup>

<sup>1</sup> See Schedule A, October Quarterly Report for Cohn for Congress (FEC Form 3X)

<sup>2</sup> See Statement of Organization (FEC Form 1), Cohn for Congress

<sup>3</sup> See Statement of Organization (FEC Form 1), House Victory Project 2020 (most recently updated Sept. 15, 2020); see also Brian Schwartz, House Victory Project Injects \$2.2 Million into Democratic Campaigns in Toss Up Districts as Midterms Close In, CNBC (July 16, 2018).

<sup>4</sup> Cohn October Quarterly Report, *supra* Note 1.

<sup>5</sup> See Amended Statement of Organization (FEC Form 1), Cohn for Congress (Oct. 4, 2020).

Under FECA and Commission regulations, a campaign committee can only accept a transfer of funds from an authorized campaign account. An authorized committee is defined as “a political committee that has been authorized by a candidate to accept contributions or make expenditures on his or her behalf, or one that accepts contributions or make expenditures on behalf of a candidate and has not been disavowed by the candidate.” If an organization is authorized committee, the campaign committee must amend its statement of organization to reflect as such.<sup>6</sup> There are multiple public policy reason why such listing of authorized campaign accounts is required on a campaign’s FEC Form 1, including to prevent fraudulent solicitations to unauthorized committees, and also for public and regulatory oversight disclosure of where campaign accounts are housed and affiliated. These reasons demand that any affiliation of committees be completed and filed with the Commission prior to solicitation to such affiliated account.

At the time of the transaction at issue was made, House Victory Project 2020 was not an authorized committee of Cohn for Congress. This means that the transaction would not be considered a “transfer” of funds, but rather a contribution from House Victory Project 2020 to Cohn for Congress. Since it is legally considered to be considered a contribution, it is subject to the Commission’s contribution limits.<sup>7</sup> Regardless of which limit is applied,<sup>8</sup> there is no doubt under the law that \$235,029.40 is over \$200,000 beyond the allowable contribution limits.

Based on the facts above, we ask the Commission to find reason to believe that Alan Cohn, Cohn for Congress, and House Victory Project 2020 violated FECA and Commission regulations and order that this illegal excessive contribution of over \$200,000 be disgorged, as well as Mr. Cohn and his campaign be appropriately fined.

---

<sup>6</sup> 11 C.F.R § 102.6(a)(1)(i); 11 C.F.R. § 102.17(c)(3)(i) (“Each political committee shall amend its Statement of Organization to reflect the account as an additional depository.”).

<sup>7</sup> 52 U.S.C. § 30116

<sup>8</sup> The Commission has yet to make a determination on how the contribution limits apply to joint fundraising committee. While there is no dispute that they do apply to joint fundraising committees, the determination as to what limit applies is still an open question.

**PRAYER FOR RELIEF**

1. Wherefore, the Commission should find expedited reason to believe that Cohn for Congress accepted and House Victory Project 2020 made an excessive contribution in violation of 52 U.S.C. § 301011, *et. seq.*; and move expeditiously to force them to comply with the law and disgorge the excessive contribution.
2. Further, the Commission should determine and impose appropriate sanctions for any and all violations, should enjoin respondent(s) from any and all violations in the future, and should impose such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

Dated: October 28, 2020

Respectfully submitted,



C.A. "Neil" Combee

Subscribed and sworn to before me on this 28<sup>th</sup> day of October, 2020.

  
