

**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

May 17, 2021

**Via Email Only**

Judith Zamore, Treasurer  
House Victory Project 2020  
918 Pennsylvania Avenue SE  
Washington, DC 20003  
[zamore@capcompliance.com](mailto:zamore@capcompliance.com)

RE: MUR 7848  
House Victory Project 2020 and Judith  
Zamore in her official capacity as  
treasurer

Dear Ms. Zamore:

On November 4, 2020, the Federal Election Commission notified House Victory Project 2020 and you in your official capacity as treasurer (“Committee”) of a complaint alleging a violation of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

Upon further review of the allegation contained in the complaint, the Commission, on May 12, 2022, dismissed the allegation that the Committee violated 52 U.S.C. § 30116(a), and closed the file. The Factual and Legal Analysis, which more fully explains the Commission’s decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

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If you have any questions, please contact Delbert K. Rigsby, the attorney assigned to this matter, at (202) 694-1616 or drigsby@fec.gov.

Sincerely,

*Mark Allen*

Mark Allen  
Assistant General Counsel

Enclosure  
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Cohn for Congress 2020 and Brian Foucart  
 in his official capacity as treasurer  
 House Victory Project 2020 and Judith Zamore  
 in her official capacity as treasurer  
 Alan Cohn

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**I. INTRODUCTION**

The Complaint alleges that House Victory Project 2020 (“House Victory Project”), a joint fundraising committee, made an excessive contribution of \$235,029.40 to Cohn for Congress 2020 (“Cohn Committee”) and Alan Cohn, because when it transferred funds to the Cohn Committee, House Victory Project was not authorized by Cohn to receive contributions on his behalf.<sup>1</sup> Cohn responds that House Victory Project was an authorized committee, but a clerical error caused the Cohn Committee’s amended Statement of Organization identifying House Victory Project as an authorized committee to be filed a few days after the funds were transferred. As set forth below, the Commission exercises its prosecutorial discretion and dismisses the allegations that House Victory Project made, and the Cohn Committee and Cohn accepted, an excessive contribution in the form of the transfer.

**II. FACTUAL SUMMARY**

Alan Cohn was the Democratic Party nominee for the 15th Congressional District of Florida in 2020.<sup>2</sup> Cohn for Congress 2020 is Cohn’s principal campaign committee.<sup>3</sup> House

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<sup>1</sup> Compl. at 1 (Oct. 28, 2020).

<sup>2</sup> Alan Cohn Amended Statement of Candidacy (Oct. 22, 2020).

<sup>3</sup> Cohn Committee Statement of Organization (Sept. 9, 2019).

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Victory Project 2020 is a joint fundraising committee comprised of itself as a joint fundraising representative and 40 participating candidate committees.<sup>4</sup> On September 15, 2020, House Victory Project amended its Statement of Organization to add the Cohn Committee as a participating candidate committee.<sup>5</sup> On September 30, 2020, House Victory Project transferred \$235,029.40 to the Cohn Committee, comprised of contributions dated between September 15 and September 30, 2020.<sup>6</sup> On October 4, 2020, the Cohn Committee amended its Statement of Organization to identify House Victory Project as a joint fundraising representative.<sup>7</sup> On October 22, 2020, Cohn amended his Statement of Candidacy to name House Victory Project as an authorized committee.<sup>8</sup>

In response to the Complaint, the Cohn Committee and Cohn (“Cohn Respondents”) assert that House Victory Project was an authorized committee of Cohn by virtue of its being the joint fundraising representative for joint fundraising activity in which Cohn participated pursuant to a written joint fundraising agreement.<sup>9</sup> The Cohn Respondents cite the House Victory Project’s Amended Statement of Organization filed on September 15, 2020, naming the Cohn Committee as a participating candidate committee prior to the transfer of funds to the Cohn Committee, and assert that the transfer of funds was made in accordance with Commission

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<sup>4</sup> See Amended House Victory Project Statement of Organization at 2, 5-13 (Sept. 15, 2020).

<sup>5</sup> *Id.* at 6. Prior to the amended Statement of Organization, House Victory Project was comprised of 32 candidate committees. See Amended House Victory Project Statement of Organization at 2, 5-11 (July 28, 2020).

<sup>6</sup> See House Victory Project 2020 October Quarterly Report at 85 (Oct. 15, 2020) (transfer); Cohn Committee 2020 October Quarterly Report at 762 (Oct. 15, 2020) (receipt of transfer); Cohn Committee Amended 2020 October Quarterly Report at 762-795 (Oct. 21, 2020) (itemized contributions by date).

<sup>7</sup> Cohn Committee Amended Statement of Organization at 3 (Oct. 4, 2020).

<sup>8</sup> Alan Cohn Amended Statement of Candidacy at 1-2 (Oct. 22, 2020).

<sup>9</sup> Cohn Committee and Alan Cohn Response (“Cohn Resp.”) at 1.

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regulations and the joint fundraising agreement.<sup>10</sup> The Cohn Respondents acknowledge that due to a clerical error, the Cohn Committee’s amended Statement of Organization identifying House Victory Project as its joint fundraising representative was not timely filed, but contend the problem was “immediately corrected.”<sup>11</sup> Under these circumstances, the Cohn Respondents assert, the Commission should exercise its prosecutorial discretion and dismiss this matter.<sup>12</sup> House Victory Project did not submit a response to the Complaint.

### III. LEGAL ANALYSIS

The Act prohibits any person from making, and any candidate or political committee from knowingly accepting, an excessive contribution.<sup>13</sup> During the 2020 election cycle, no person could make contributions to any candidate and his or her authorized political committee that, in the aggregate, exceeded \$2,800 per election.<sup>14</sup> An “authorized committee” means the principal campaign committee of a candidate or any other political committee authorized by the candidate to receive contributions or make expenditures on the candidate’s behalf.<sup>15</sup>

A political committee may engage in joint fundraising with other political committees or unregistered committees or organizations.<sup>16</sup> The Act provides that candidates may designate a political committee established for the purpose of joint fundraising by such candidates as an

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 1, 2.

<sup>12</sup> Cohn Resp. at 2.

<sup>13</sup> 52 U.S.C. § 30116(a), (f).

<sup>14</sup> 52 U.S.C. § 30116(a)(1)(A). *See* 11 C.F.R. § 110.1(b)(1)(i), (ii).

<sup>15</sup> 52 U.S.C. § 30101(6). *See also* 11 C.F.R. § 102.17(a)(1)(i).

<sup>16</sup> 11 C.F.R. § 102.17(a)(1)(i).

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authorized committee.<sup>17</sup> A joint fundraising representative is a committee designated by other committees participating in a joint fundraising agreement to collect contributions, pay fundraising costs, and disburse net proceeds to each participating committee.<sup>18</sup> The joint fundraising representative must be a reporting committee and must also be an authorized committee of each participating candidate.<sup>19</sup> The participants in a joint fundraising activity must enter into a written agreement, which identifies the fundraising representative and states the formula for the allocation of fundraising proceeds.<sup>20</sup> There is no limit on transfers between political committees of funds raised through joint fundraising efforts,<sup>21</sup> provided that no participant receives more than its allocated share of funds raised.<sup>22</sup>

The Complaint alleges that because Cohn had not authorized House Victory Project to receive contributions on his behalf at the time of its \$235,029.40 transfer to the Cohn Committee, the transfer was an excessive contribution. However, for the following reasons, the Commission exercises its prosecutorial discretion and dismisses this matter. First, House Victory Project disclosed the Cohn Committee's participation in its joint fundraising activity prior to the transfer, by timely amending its Statement of Organization on September 15, 2020. Second, the contributions comprising the transfer were all received after the House Victory Project amended its Statement of Organization, except for one contribution of \$2,800 made on September 15,

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<sup>17</sup> 52. U.S.C. § 30102(e)(3)(A)(ii).

<sup>18</sup> 11 C.F.R. § 102.17(b).

<sup>19</sup> *Id.*

<sup>20</sup> 11 C.F.R. § 102.17(c)(1). The fundraising representative must retain a copy of the agreement for three years and make it available to the Commission upon request. *Id.*

<sup>21</sup> See 52 U.S.C. § 30116(a)(5)(A).

<sup>22</sup> 11 C.F.R. § 102.6(a)(1)(iii).

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2020, the same day that House Victory Project amended its Statement of Organization. Third, the Cohn Committee asserts that it had entered into a written joint fundraising agreement with House Victory Project, and we have no information to the contrary. Fourth, the Cohn Committee filed its amended Statement of Organization only four days after the transfer, and Cohn's amended Statement of Candidacy followed less than three weeks later, and these amendments pre-dated the Complaint. Finally, when House Victory Project filed its quarterly report on October 15, 2020, showing the transfer of funds, the Cohn Committee had already amended its Statement of Organization. Under these circumstances, the Commission exercises its prosecutorial discretion and dismisses the allegations that House Victory Project made, and the Cohn Committee and Alan Cohn received, an excessive contribution.<sup>23</sup>

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<sup>23</sup> See *Heckler v. Chaney*, 470 U.S. 821 (1985).