

**FEDERAL ELECTION COMMISSION**  
**FIRST GENERAL COUNSEL'S REPORT**

MUR: 7861  
DATE COMPLAINT FILED: November 20, 2020  
DATE OF NOTIFICATION: November 30, 2020  
LAST RESPONSE RECEIVED: January 28, 2021  
DATE ACTIVATED: April 27, 2021

ELECTION CYCLE: 2018  
EXPIRATION OF SOL: October 30, 2023 -  
November 2, 2023

**COMPLAINANTS:**

Citizens for Responsibility and Ethics in  
Washington  
Noah Bookbinder

**RESPONDENTS:**

American Jobs and Growth PAC and Thomas  
Norris in his official capacity as treasurer  
Thomas Norris  
Government Integrity Fund  
Joel Riter  
Kyle Sisk  
Unknown Respondents

**RELEVANT STATUTES  
AND REGULATIONS:**

52 U.S.C. § 30104(b)(3)  
52 U.S.C. § 30116(a)(8)  
52 U.S.C. § 30122  
11 C.F.R. § 104.3(a), (j)  
11 C.F.R. § 110.4(b)

**INTERNAL REPORTS CHECKED:**

Disclosure Reports

**FEDERAL AGENCIES CHECKED:**

None

**I. INTRODUCTION**

The Complaint in this matter alleges that Government Integrity Fund (“GIF”) made \$110,000 in contributions on behalf of one or more unknown individuals to American Jobs and Growth PAC and Thomas Norris in his official capacity as treasurer (“American Jobs”) for independent expenditures in support of then-Virginia representative Scott Taylor’s 2018

1 congressional race, thereby violating 52 U.S.C. § 30122, which prohibits the making and  
2 accepting of contributions made in the name of another. The Complaint chiefly relies on the  
3 short timeline between GIF's contributions to American Jobs and its subsequent independent  
4 expenditures as well as an email made public through an unrelated criminal trial in which an  
5 individual represents that Kyle Sisk — a political fundraiser associated with Taylor, GIF, and  
6 American Jobs — was raising funds on behalf of Taylor "via a 501c4."

7 Although there are uncertainties surrounding Sisk's fundraising activities on behalf of the  
8 other Respondents and Taylor, the available information does not provide sufficient support for  
9 the allegation that Unknown Respondents made contributions to American Jobs in GIF's name.  
10 The temporal proximity between GIF's contributions to American Jobs and American Jobs'  
11 subsequent independent expenditures alone does not support the Complaint's allegations. The  
12 email identified in the Complaint is ultimately insufficient because it does not establish that any  
13 conduit contributions actually occurred, it does not identify GIF as the "501c4" that was  
14 mentioned, and it is contradicted by the sworn affidavit of Sisk. Further, the available  
15 information about GIF's activities does not suggest that GIF was established as a shell  
16 organization to simply act as a conduit for contributions to American Jobs, given that GIF was  
17 created years before its contribution to American Jobs and has engaged in substantial and  
18 unrelated activities, including receiving approximately \$3 million in donations and making  
19 approximately \$1.5 million in grants and contributions in 2018 alone.

20 Accordingly, we recommend that the Commission dismiss the allegations that American  
21 Jobs and Thomas Norris violated 52 U.S.C. §§ 30104(b)(3), 30116(a)(8), 30122 and 11 C.F.R.  
22 §§ 104.3(a), (j), 110.4(b) by accepting and failing to accurately report contributions made in the  
23 name of another, dismiss the allegations that GIF and Joel Riter violated 52 U.S.C. § 30122 and

11 C.F.R. § 110.4(b) by permitting GIF's name to be used to make contributions in the name of another, dismiss the allegations that Unknown Respondents violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b) by making contributions in the name of another, and dismiss the allegations as to Kyle Sisk.

## II. FACTUAL BACKGROUND

American Jobs is a federally registered independent-expenditure-only political committee that registered with the Commission in October 2017; its treasurer is Thomas Norris.<sup>1</sup> During the 2018 election cycle, American Jobs spent \$107,500 in digital advertising independent expenditures that supported Scott Taylor, who was a candidate for the 2nd congressional district in Virginia, or opposed his general election opponent, Elaine Luria.<sup>2</sup>

GIF is a corporation organized under the laws of Ohio in 2011 and recognized as a tax-exempt social welfare organization under section 501(c)(4) of the Internal Revenue Code; Joel Riter is its chairman.<sup>3</sup> Mr. Riter is also the "person responsible for maintaining campaign records" for American Jobs.<sup>4</sup>

---

<sup>1</sup> Compl. ¶¶ 9-10 (Nov. 20, 2020).

<sup>2</sup> *FEC Disbursements: Filtered Results*, FEC.GOV, [https://www.fec.gov/data/independent-expenditures/?two\\_year\\_transaction\\_period=2018&data\\_type=processed&committee\\_id=C00659219&cycle=2018&is\\_notice=true&candidate\\_office=H&candidate\\_office\\_state=VA](https://www.fec.gov/data/independent-expenditures/?two_year_transaction_period=2018&data_type=processed&committee_id=C00659219&cycle=2018&is_notice=true&candidate_office=H&candidate_office_state=VA) (last visited August 20, 2021) (reflecting independent expenditures by American Jobs in Virginia House races between 2017 and 2018).

<sup>3</sup> Compl. ¶¶ 11-12.

<sup>4</sup> *Id.* ¶ 12.

Kyle Sisk is a political fundraiser who in 2018 represented Taylor, American Jobs, and GIF.<sup>5</sup> Sisk operates his fundraising business through his company, Capital Cornered, LLC.<sup>6</sup> During the 2018 election cycle, American Jobs paid Capital Cornered \$20,000 for a “fundraising commission,”<sup>7</sup> while Taylor paid approximately \$80,000 directly to Sisk for fundraising consulting services.<sup>8</sup> GIF also retained Sisk during the 2018 election cycle, although we do not know the amount GIF paid to Sisk for his services.<sup>9</sup>

The Complaint alleges — and American Jobs’ reports confirm — that American Jobs’ independent expenditures in support of Taylor were in close temporal proximity to contributions American Jobs received from GIF.<sup>10</sup> Specifically, in 2018, GIF contributed \$75,000 on October 30; \$10,000 on November 1; and \$25,000 on November 5,<sup>11</sup> while American Jobs spent \$72,500 on October 30; \$7,500 on November 1; and \$27,500 on November 2 on independent expenditures that were either in support of Taylor or in opposition to his opponent.<sup>12</sup> The

---

<sup>5</sup> Affidavit of Kyle Sisk ¶ 3 (Jan. 20, 2021) (“Sisk Aff.”).

<sup>6</sup> *Id.* ¶ 2.

<sup>7</sup> American Jobs, 2018 Post General Report at 9 (Dec. 6, 2018).

<sup>8</sup> *FEC Disbursements: Filtered Results*, FEC.GOV, [https://www.fec.gov/data/disbursements/?committee\\_id=C00608703&committee\\_id=C00702910&committee\\_id=C00733394&data\\_type=processed&recipient\\_name=sisk&two\\_year\\_transaction\\_period=2018](https://www.fec.gov/data/disbursements/?committee_id=C00608703&committee_id=C00702910&committee_id=C00733394&data_type=processed&recipient_name=sisk&two_year_transaction_period=2018) (last visited August 20, 2021) (reflecting disbursements by Scott Taylor for Congress to Sisk between 2017 and 2018).

<sup>9</sup> Sisk Aff. ¶ 3.

<sup>10</sup> Compl. ¶¶ 17-21

<sup>11</sup> American Jobs, 2018 Post General Report at 7-8.

<sup>12</sup> *Id.* at 14-15.

Complaint further alleges that American Jobs would not have had sufficient funds to make these expenditures without GIF's contributions.<sup>13</sup>

In further support of its allegations, the Complaint provides an email, entered into evidence in an unrelated criminal trial, in which a corporate employee emailing an executive regarding "current requests" for political contributions states:

You'll remember Taylor visited our office. A professional fundraiser (Kyle Sisk) is leading his fundraising efforts via a 501c4. We've done research on Sisk and are being told to avoid him. I recommend we do direct contributions within limits. . . I'd also suggest we could use our own 501c4 to support him rather than going through Sisk if you agree.<sup>14</sup>

Based on this statement; the fact that Sisk worked for GIF, American Jobs, and Taylor's 2018 campaign; and the lack of information regarding any "other 501(c)(4) organization connected to Mr. Sisk that made expenditures . . . to influence then-Rep. Taylor's 2018 congressional election," the Complaint alleges that Sisk used GIF "as a pass through for funds to [American Jobs] to fund the super PAC's independent expenditures backing then-Rep. Taylor."<sup>15</sup> Beyond the allegations specifically related to the independent expenditures in support of Taylor's

---

<sup>13</sup> Compl. ¶¶ 19-21. American Jobs reported a cash on hand balance of \$35,892.91 on October 1. American Jobs 2018 Post General Report. Between October 1 and November 2, it reportedly received \$225,000 in contributions from sources other than GIF, made \$198,842.90 in disbursements, and made \$21,000 in independent expenditures unrelated to Taylor's race. *Id.* It thus would have had approximately \$41,000 in cash outside of the \$110,000 in contributions it received from GIF when it made its \$107,500 in independent expenditures in Taylor's race.

<sup>14</sup> Email from Rod Perkins to Greg E. Lindberg, June 29, 2018 ("Perkins Email") (available as Government Exhibit 72, *U.S. v. Lindberg, et al.*, No. 5:19-cr-22 (W.D.N.C.), <https://bit.ly/3dEdICw> (cited at Compl. ¶¶ 27-28)). The criminal trial involved a scheme by a business executive, Greg Lindberg, and company consultant, John Gray, to bribe a North Carolina elected official through concealed campaign contributions and independent expenditures to attempt to sway regulatory action in favor of Lindberg's company. Department of Justice, Office of Public Affairs, *Federal Jury Convicts Founder and Chairman of a Multinational Investment Company and a Company Consultant of Public Corruption and Bribery Charges* (Mar. 5, 2020), <https://bit.ly/2YGyE7J>. It does not appear from publicly available information that any of the Respondents in this matter were involved in the scheme.

<sup>15</sup> Compl. ¶ 30.

2018 campaign, the Complaint makes further allegations that the Respondents have engaged in other, unrelated activities aimed at preventing the disclosure of contributors' identities.<sup>16</sup>

The GIF and Riter Response contends that the Complaint is generalized and does not identify specific indicia of earmarking that would be sufficient to support finding reason to believe.<sup>17</sup> It further represents that GIF has a policy of depositing all donations it receives in a general treasury account, that in 2018 all contributions were deposited and comingled, that "[n]o contribution was earmarked or otherwise restricted," and that the decision to contribute to American Jobs was "made solely at the discretion of GIF's board and officers in accordance with its spending policy."<sup>18</sup> The American Jobs and Norris Response likewise argues that the Complaint lacks sufficient facts to support finding reason to believe a violation occurred, stating that "there is no inference that fairly and reasonably can be drawn from the timing of a PAC's contributions and expenditures other than that a committee had a desire to finance an expenditure, and found a donor willing to make a contribution to fund it."<sup>19</sup> The American Jobs and Norris Response also contends that the statement regarding Sisk cited in the Complaint is vague hearsay and, even if true, does not establish the involvement of American Jobs or GIF.<sup>20</sup>

The Sisk Response disputes the allegations and contends that, in any case, Sisk is not alleged to have violated the Act as he is not alleged to have made or accepted a contribution in

---

<sup>16</sup> *See id.* ¶¶ 31-40. The Complaint also names Riter and Norris individually. *Id.* ¶¶ 50, 55.

<sup>17</sup> GIF Resp. at 2-3 (Jan. 27, 2012).

<sup>18</sup> *Id.* at 3-4 & Ex. A (Spending Policy Disclosure Statement).

<sup>19</sup> American Jobs Resp. at 2 (Jan. 28, 2021).

<sup>20</sup> *Id.*

another's name nor to have been an ultimate contributor.<sup>21</sup> Sisk also submitted an affidavit in which he states: "[a]t no point did I ever raise contributions for [GIF] that to my knowledge were earmarked for American Jobs" and that he "is not aware of any intent by either [GIF or American Jobs] to circumvent campaign-finance disclosure laws by receiving and passing through a contribution made in the name of another."<sup>22</sup> Sisk further states that he was separately retained by American Jobs, GIF, and Taylor and that when he was "renumerated for fundraising for any of these clients, I was renumerated by that particular client for services rendered to that particular client."<sup>23</sup> With respect to the email identified in the Complaint, Sisk states that he "did not travel, to North Carolina or anywhere else, to solicit [the email recipient] Mr. Greg Lindberg on behalf of any entity," although he does not unequivocally state that he did not solicit other individuals or make solicitations through phone or email.<sup>24</sup>

### III. LEGAL ANALYSIS

#### A. Contributions in the Name of Another

The Act provides that a contribution includes "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office."<sup>25</sup> The term "person" for purposes of the Act and Commission regulations includes partnerships, corporations, and "any other organization or group of

---

<sup>21</sup> Sisk Resp. at 1-2 (Jan. 21, 2021).

<sup>22</sup> Sisk Aff. ¶¶ 7, 9.

<sup>23</sup> *Id.* ¶¶ 3-4.

<sup>24</sup> *Id.* ¶ 11.

<sup>25</sup> 52 U.S.C. § 30101(8)(A).

persons.”<sup>26</sup> The Act prohibits a person from making a contribution in the name of another person, knowingly permitting his or her name to be used to effect such a contribution, or knowingly accepting such a contribution.<sup>27</sup> The Commission has included in its regulations illustrations of activities that constitute making a contribution in the name of another:

- (i) Giving money or anything of value, all or part of which was provided to the contributor by another person (the true contributor) without disclosing the source of money or the thing of value to the recipient candidate or committee at the time the contribution is made; or
- (ii) Making a contribution of money or anything of value and attributing as the source of the money or thing of value another person when in fact the contributor is the source.<sup>28</sup>

The requirement that a contribution be made in the name of its true source promotes Congress’s objective of ensuring the complete and accurate disclosure by candidates and committees of the political contributions they receive.<sup>29</sup> Courts therefore have uniformly rejected the assertion that “only the person who actually transmits funds . . . makes the contribution,”<sup>30</sup> recognizing that “it is implausible that Congress, in seeking to promote transparency, would have understood the relevant contributor to be [an] intermediary who

---

<sup>26</sup> *Id.* § 30101(11); 11 C.F.R. § 100.10.

<sup>27</sup> 52 U.S.C. § 30122.

<sup>28</sup> 11 C.F.R. § 110.4(b)(2)(i)–(ii).

<sup>29</sup> *United States v. O’Donnell*, 608 F.3d 546, 553 (9th Cir. 2010) (“[T]he congressional purpose behind [Section 30122] — to ensure the *complete and accurate disclosure* of the contributors who finance federal elections — is plain.” (emphasis added)); *Mariani v. United States*, 212 F.3d 761, 775 (3d Cir. 2000) (rejecting constitutional challenge to Section 30122 in light of compelling governmental interest in disclosure).

<sup>30</sup> *United States v. Boender*, 649 F.3d 650, 660 (7th Cir. 2011).



1 merely transmitted the campaign gift.”<sup>31</sup> Consequently, both the Act and the Commission’s  
 2 implementing regulations provide that a person who furnishes another with funds for the purpose  
 3 of contributing to a candidate or committee “makes” the resulting contribution.<sup>32</sup> This is true  
 4 whether funds are advanced to another person to make a contribution in that person’s name or  
 5 promised as reimbursement of a solicited contribution.<sup>33</sup>

6 Because the concern of the law is the true source from which a contribution to a  
 7 candidate or committee originates, regardless of the mechanism by which the funds are  
 8 transmitted, the Commission will examine the structure of the transaction itself and the  
 9 arrangement between the parties to determine who in fact “made” a given contribution. Thus,  
 10 the Commission recently found reason to believe that an LLC made a contribution on behalf of  
 11 other individuals where the LLC made the contribution five weeks after its formation, it did not  
 12 appear that the LLC had engaged in any other activity until months after making the  
 13 contribution, and there was no information regarding how the LLC obtained the funds necessary

---

<sup>31</sup> *O’Donnell*, 608 F.3d at 554; *see also Citizens United v. FEC*, 558 U.S. 310, 371 (2010) (“The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.”); *Doe v. Reed*, 561 U.S. 186, 199 (2010) (“Public disclosure also promotes transparency and accountability in the electoral process to an extent other measures cannot.”).

<sup>32</sup> *See Boender*, 649 F.3d at 660 (holding that to determine who made a contribution “we consider the giver to be the *source* of the gift, not any intermediary who simply conveys the gift from the donor to the donee”) (emphasis added); *O’Donnell*, 608 F.3d at 550; *Goland v. United States*, 903 F.2d 1247, 1251 (9th Cir. 1990) (“The Act prohibits the use of ‘conduits’ to circumvent [the Act’s reporting] restrictions[.]”).

<sup>33</sup> *O’Donnell*, 608 F.3d at 555. Moreover, the “key issue . . . is the *source* of the funds” and, therefore, the legal status of the funds when conveyed from a conduit to the ultimate recipient is “irrelevant to a determination of who ‘made’ the contribution for the purposes of [Section 30122].” *United States v. Whittemore*, 776 F.3d 1074, 1080 (9th Cir. 2015) (holding that defendant’s “unconditional gifts” to relatives and employees, along with suggestion they contribute the funds to a specific political committee, violated Section 30122 because the source of the funds remained the individual who provided them to the putative contributors).

1 to make the contribution other than through the true contributors. And, in earlier conduit  
 2 contribution cases, although the Commission split evenly regarding alleged violations of  
 3 52 U.S.C. § 30122,<sup>35</sup> Commissioners separately expressed agreement that section 30122's  
 4 prohibition of contributions in the name of another applies to LLCs and closely held corporations  
 5 — a conclusion approved of by a panel of the U.S. Court of Appeals for the D.C. Circuit<sup>36</sup> —  
 6 such that an LLC or closely held corporation cannot be used as a “straw donor” to transmit the  
 7 funds of another, but must instead be the true source of any contribution it purports to make.<sup>37</sup>

---

<sup>34</sup>

<sup>35</sup> Certification, MURs 7031 and 7034 (Children of Israel, LLC, *et al.*) (June 7, 2018); Certification, MURs 7014, 7017, 7019, and 7090 (DE First Holdings, *et al.*) (May 10, 2018); Certification, MURs 7013 and 7015 (IGX, LLC, *et al.*) (Apr. 10, 2018); Certification, MUR 6995 (Right to Rise, *et al.*) (May 8, 2018); Certification, MUR 6969 (MMWP12, LLC, *et al.*) (June 7, 2018); Certification, MUR 6968 (Tread Standard, LLC, *et al.*) (May 8, 2018).

<sup>36</sup> *Campaign Legal Ctr. v. FEC*, 952 F.3d 352, 357 (D.C. Cir. 2020) (“The controlling commissioners did not dispute that [52 U.S.C.] § 30122 applies to closely held corporations and corporate LLCs. We agree that it does.”). The Court held that the Commission’s dismissal of several matters involving alleged LLC conduits — based on the rationale that the matters presented an issue of first impression, which raised fair notice and due process concerns — was reasonable. *Id.* at 357–58.

<sup>37</sup> See Statement of Reasons, Comm’rs Petersen, Hunter & Goodman at 8, 12, MUR 6485 (W Spann LLC, *et al.*), MURs 6487/6488 (F8, LLC, *et al.*), MUR 6711 (Specialty Investment Group, Inc., *et al.*), MUR 6930 (SPM Holdings LLC, *et al.*) (Apr. 1, 2016) (“Upon thorough consideration of these matters, we conclude that closely held corporations and corporate LLCs may be considered straw donors in violation of section 30122 under certain circumstances. . . . [W]hen enforcing section 30122 in similar future matters, the proper focus will be on whether funds were intentionally funneled through a closely held corporation or corporate LLC for the purpose of making a contribution that evades the Act’s reporting requirements. If they were, then the true source of the funds is the person who funneled them through the corporate entity for this purpose. Where direct evidence of this purpose is lacking, the Commission will look at whether, for instance, there is evidence indicating that the corporate entity did not have income from assets, investment earnings, business revenues, or bona fide capital investments, or was created and operated for the sole purpose of making political contributions. These facts would suggest the corporate entity is a straw donor and not the true source of the contribution.”); Statement of Reasons, Comm’rs Walther, Ravel & Weintraub at 3–4, MUR 6485 (W Spann LLC, *et al.*), MURs 6487/6488 (F8 LLC, *et al.*), MUR 6711 (Specialty Investment Group, Inc., *et al.*).

**B. There Is Insufficient Information to Support Finding Reason to Believe that GIF Made or that American Jobs Knowingly Accepted a Contribution in the Name of Another**

The available information does not raise a reasonable inference that GIF served as a conduit for contributions made by Unknown Respondents to American Jobs. In prior matters where, like here, the Commission lacked information directly evidencing a conduit scheme, it has considered other circumstances that would indicate that an LLC or closely held corporation either operated exclusively for the purpose of making contributions on behalf of other individuals or did so in a specific instance. Such indicia have included: information suggesting that the entity did not engage in other activity; a short timeline between the entity's formation, receipt of funds, and subsequent contribution; and other information suggesting that the entity received specific funds that were used to make the contribution at issue, such as information indicating that the entity could not have made the contribution without receiving a specific infusion of funds. None of those factors are present here. GIF has been a registered 501(c)(4) organization since 2012, and it has collected millions of dollars in donations and made millions of dollars in grants throughout that time.<sup>39</sup> In 2018 alone, it raised over \$3 million and made over \$1.5 million in grants and contributions.<sup>40</sup> GIF's \$110,000 in contributions to American

---

<sup>39</sup> See IRS Determination Letter, Government Integrity Fund (Jan. 31, 2012), <https://apps.irs.gov/app/eos/detailsPage?ein=452042274&name=GOVERNMENT%20INTEGRITY%20FUND&city=&state=&countryAbbr=US&dba=&type=DETERMINATIONLETTERS,%20COPYOFRETURNS&orgTags=DETERMINATIONLETTERS&orgTags=COPYOFRETURNS>.

<sup>40</sup> See IRS Form 990, Government Integrity Fund, 2018 Return of Organization Exempt from Income Tax, (Nov. 15, 2019), [https://apps.irs.gov/pub/epostcard/cor/452042274\\_201812\\_990O\\_2020021017133274.pdf](https://apps.irs.gov/pub/epostcard/cor/452042274_201812_990O_2020021017133274.pdf).

Jobs thus appears to be a small fraction of its overall activity, and there is no information suggesting that particular donations to GIF enabled it to make contributions to American Jobs.

The Complaint focuses on information in American Jobs' disclosure reports indicating that GIF contributed to American Jobs in order to fund specific independent expenditures in support of Taylor's campaign. But this does not indicate that GIF received funds to be passed on to American Jobs for those expenditures. Neither the Act nor Commission regulations prohibits making contributions for the purpose of funding specific expenditures,<sup>41</sup> and such activity does not indicate the existence of a conduit scheme.<sup>42</sup>

The strongest information to support the Complaint's allegations is an email entered into evidence in an unrelated criminal trial in which an individual states that Sisk was "leading [Taylor's] fundraising efforts via a 501c4."<sup>43</sup> However, the email does not directly implicate GIF or American Jobs, and we do not know if the email is based on reliable information — the email does not make clear how or from whom the email author learned of Sisk's alleged activities. The email also does not discuss an actual conduit scheme, only that its author was aware that Sisk was soliciting contributions. Even if the "501(c)(4)" that the email discusses was GIF, it would not establish that Sisk was successful in soliciting conduit contributions or that GIF's contributions to American Jobs were made with those funds. Sisk, moreover, submitted an affidavit denying that he had met with the individual who wrote the email and denying that he

---

<sup>41</sup> Persons making such contributions, however, must be disclosed under 52 U.S.C. § 30104(b)(3), (c)(2)(C).

<sup>42</sup> The Complaint also alleges that other activities indicate a "pattern" of obfuscating the identity of contributors by GIF. Compl. ¶¶ 31-40. But these allegations do not directly support the allegation that these particular contributions to American Jobs were made on behalf of other individuals.

<sup>43</sup> Perkins Email. The Complaint also alleges the Sisk was not working with any other 501(c)(4) organization during the relevant time period. Compl. ¶ 30.

solicited contributions to American Jobs through GIF.<sup>44</sup> Thus, in the absence of other information indicating the existence of a particular scheme to make contributions in the name of another and the lack of circumstantial information indicating that GIF was operated for the purpose of making conduit contributions, the email is insufficient to warrant recommending the Commission find reason to believe that GIF's contributions to American Jobs were made on behalf of other, unknown individuals.<sup>45</sup>

Because the available information does not support a reasonable inference that Unknown Respondents made contributions to American Jobs in the name of GIF, we recommend that the Commission dismiss the allegations that American Jobs violated 52 U.S.C. §§ 30104(b)(3), 30116(a)(8), 30122 and 11 C.F.R. §§ 104.3(a), (j), 110.4(b) and that Thomas Norris, GIF, Joel Riter, and Unknown Respondents violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b) and dismiss the allegations as to Kyle Sisk.

#### IV. RECOMMENDATIONS

1. Dismiss the allegations that American Jobs and Growth PAC and Thomas Norris in his official capacity as treasurer violated 52 U.S.C. §§ 30104(b)(3), 30116(a)(8), 30122 and 11 C.F.R. §§ 104.3(a), (j), 110.4(b) and that Thomas

---

<sup>44</sup> Sisk Aff. ¶¶ 1-2, 7, 9. Sisk himself likely would not have violated the Act even if he had facilitated conduit contributions through GIF. *See FEC v. Swallow*, 304 F. Supp. 3d 1113, 1115 (D. Utah 2018) (invalidating the Commission's regulation at 11 C.F.R. § 110.4(b)(1)(iii) prohibiting "knowingly help[ing] or assist[ing] any person in making a contribution in the name of another").

<sup>45</sup> It is possible to read the email as suggesting that either Taylor, who visited the email author's offices, or Sisk, as Taylor's agent, solicited contributions to the unnamed "501c4" in support of Taylor's campaign. This would violate the prohibition on candidates or their agents raising nonfederal funds in connection with an election for federal office. *See* 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. § 300.61. However, the email is too vague to warrant recommending investigation on this theory. It says only that Taylor visited the email author's offices, not that he was the source of the information that Sisk was soliciting contributions "via a 501c4." The email also does not make clear whether Sisk was the source of the information, and even if he was, Sisk was not necessarily acting as Taylor's agent in doing so, as he also served as a fundraising consultant for American Jobs and GIF. Sisk Aff. ¶ 3; *see also* Advisory Op. 2003-10 at 5 (Reid) (concluding that agent of federal candidate may solicit funds on behalf of other organizations if the individual acts "exclusively on behalf of" the other organizations when fundraising for them, "not on the authority of" the candidates, and raise funds on behalf of the candidates and the other organizations "at different times.").

Norris violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b) by accepting and failing to accurately report contributions made in the name of another;

2. Dismiss the allegations that Government Integrity Fund and Joel Riter violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b) by permitting Government Integrity Fund's name to be used to make contributions in the name of another;

3. Dismiss the allegations that Unknown Respondents violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b) by making contributions in the name of another;

4. Dismiss the allegations as to Kyle Sisk;

5. Approve the attached Factual and Legal Analysis;

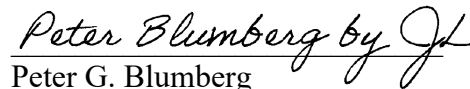
6. Approve the appropriate letters; and


7. Close the file.

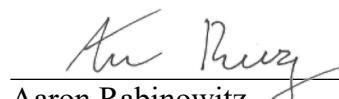
Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Associate General Counsel  
for Enforcement

Date: August 24, 2021

  
Peter G. Blumberg  
Acting Deputy Associate General  
Counsel for Enforcement

  
Jin Lee  
Acting Assistant General Counsel

  
Aaron Rabinowitz  
Attorney