



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

June 13, 2022

**VIA ELECTRONIC MAIL**

Michael G. Adams  
Chalmers & Adams LLC  
1300 Pennsylvania Ave. NW #190-612  
Washington, DC 20004  
MADAMS@CPBLAWGROUP.com

RE: MUR 7861

Dear Mr. Adams:

On November 30, 2020, the Federal Election Commission ("Commission") notified your client, Kyle Sisk, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your client at that time. On June 7, 2022, based upon the information contained in the complaint and information provided by you, the Commission voted to find no reason to believe the allegations as to Kyle Sisk. The Commission then closed its file in this matter. A copy of the Factual and Legal Analysis, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. *See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files*, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and *Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record*, 74 Fed. Reg. 66,132 (Dec. 14, 2009). If you have any questions, please contact Aaron Rabinowitz, the attorney assigned to this matter, at (202) 694-1476.

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

*Peter J. Blumberg*

BY: Peter Blumberg  
Assistant General Counsel

Enclosure:  
Factual and Legal Analysis

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

RESPONDENTS: American Jobs and Growth PAC MUR 7861  
and Thomas Norris in his official  
capacity as treasurer  
Thomas Norris  
Government Integrity Fund  
Joel Riter  
Unknown Respondents  
Kyle Sisk

**I. INTRODUCTION**

This matter was generated by a complaint filed with the Federal Election Commission (the “Commission”), which alleges violations of the Federal Election Campaign Act of 1971, as amended (the “Act”), relating to allegations 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 congressional race, thereby violating 52 U.S.C. § 30122, which prohibits the making and accepting of contributions made in the name of another. The Complaint chiefly relies on the short timeline between GIF’s contributions to American Jobs and its subsequent independent expenditures as well as an email made public through an unrelated criminal trial in which an individual represents that Kyle Sisk — a political fundraiser associated with Taylor, GIF, and American Jobs — was raising funds on behalf of Taylor “via a 501c4.”

Although there are uncertainties surrounding Sisk’s fundraising activities on behalf of the other Respondents and Taylor, the available information does not provide sufficient support for the allegation that Unknown Respondents made contributions to American Jobs in GIF’s name. The temporal proximity between GIF’s contributions to American Jobs and American Jobs’

1 subsequent independent expenditures alone does not support the Complaint’s allegations. The  
2 email identified in the Complaint is ultimately insufficient because it does not establish that any  
3 conduit contributions actually occurred, it does not identify GIF as the “501c4” that was  
4 mentioned, and it is contradicted by the sworn affidavit of Sisk. Further, the available  
5 information about GIF’s activities does not suggest that GIF was established as a shell  
6 organization to simply act as a conduit for contributions to American Jobs, given that GIF was  
7 created years before its contribution to American Jobs and has engaged in substantial and  
8 unrelated activities, including receiving approximately \$3 million in donations and making  
9 approximately \$1.5 million in grants and contributions in 2018 alone.

10 Accordingly, the Commission finds no reason to believe as to the allegations that  
11 American Jobs and Thomas Norris violated 52 U.S.C. §§ 30104(b)(3), 30116(a)(8), 30122 and  
12 11 C.F.R. §§ 104.3(a), (j), 110.4(b) by accepting and failing to accurately report contributions  
13 made in the name of another, that GIF and Joel Riter violated 52 U.S.C. § 30122 and 11 C.F.R. §  
14 110.4(b) by permitting GIF’s name to be used to make contributions in the name of another, and  
15 that Unknown Respondents violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b) by making  
16 contributions in the name of another, and finds no reason to believe as to the allegations against  
17 Kyle Sisk.

## 18 **II. FACTUAL BACKGROUND**

19 American Jobs is a federally registered independent-expenditure-only political committee  
20 that registered with the Commission in October 2017; its treasurer is Thomas Norris.<sup>1</sup> During  
21 the 2018 election cycle, American Jobs spent \$107,500 in digital advertising independent

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

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>

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 it is unclear how much GIF paid to Sisk for his services.<sup>9</sup>

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<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.

<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.

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 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>

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<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.

<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.

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2       Based on this statement; the fact that Sisk worked for GIF, American Jobs, and Taylor’s  
3 2018 campaign; and the lack of information regarding any “other 501(c)(4) organization  
4 connected to Mr. Sisk that made expenditures . . . to influence then-Rep. Taylor’s 2018  
5 congressional election,” the Complaint alleges that Sisk used GIF “as a pass through for funds to  
6 [American Jobs] to fund the super PAC’s independent expenditures backing then-Rep. Taylor.”<sup>15</sup>  
7 Beyond the allegations specifically related to the independent expenditures in support of Taylor’s  
8 2018 campaign, the Complaint makes further allegations that the Respondents have engaged in  
9 other, unrelated activities aimed at preventing the disclosure of contributors’ identities.<sup>16</sup>

10       The GIF and Riter Response contends that the Complaint is generalized and does not  
11 identify specific indicia of earmarking that would be sufficient to support finding reason to  
12 believe.<sup>17</sup> It further represents that GIF has a policy of depositing all donations it receives in a  
13 general treasury account, that in 2018 all contributions were deposited and comingled, that “[n]o  
14 contribution was earmarked or otherwise restricted,” and that the decision to contribute to  
15 American Jobs was “made solely at the discretion of GIF’s board and officers in accordance with  
16 its spending policy.”<sup>18</sup> The American Jobs and Norris Response likewise argues that the  
17 Complaint lacks sufficient facts to support finding reason to believe a violation occurred, stating  
18 that “there is no inference that fairly and reasonably can be drawn from the timing of a PAC’s  
19 contributions and expenditures other than that a committee had a desire to finance an

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<sup>15</sup> Compl. ¶ 30.

<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).

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 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>

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

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

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

<sup>22</sup> Sisk. Aff. ¶¶ 7, 9 (Jan. 20, 2021).

<sup>23</sup> *Id.* ¶¶ 3-4.

<sup>24</sup> *Id.* ¶ 11.

### 1     **III.     LEGAL ANALYSIS**

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

3           The Act provides that a contribution includes “any gift, subscription, loan, advance, or  
 4     deposit of money or anything of value made by any person for the purpose of influencing any  
 5     election for Federal office.”<sup>25</sup> The term “person” for purposes of the Act and Commission  
 6     regulations includes partnerships, corporations, and “any other organization or group of  
 7     persons.”<sup>26</sup> The Act prohibits a person from making a contribution in the name of another  
 8     person, knowingly permitting his or her name to be used to effect such a contribution, or  
 9     knowingly accepting such a contribution.<sup>27</sup> The Commission has included in its regulations  
 10    illustrations of activities that constitute making a contribution in the name of another:

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

#### 20           **B.     There Is Insufficient Information to Support Finding Reason to Believe that** 21           **GIF Made or that American Jobs Knowingly Accepted a Contribution in the** 22           **Name of Another**

23           The available information does not raise a reasonable inference that GIF served as a  
 24     conduit for contributions made by Unknown Respondents to American Jobs. GIF has been a

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

<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).



1 registered 501(c)(4) organization since 2012, and it has collected millions of dollars in donations  
 2 and made millions of dollars in grants throughout that time.<sup>29</sup> In 2018 alone, it raised over \$3  
 3 million and made over \$1.5 million in grants and contributions.<sup>30</sup> GIF's \$110,000 in  
 4 contributions to American Jobs thus appears to be a small fraction of its overall activity, and  
 5 there is no information suggesting that particular donations to GIF enabled it to make  
 6 contributions to American Jobs.

7 The Complaint focuses on information in American Jobs' disclosure reports indicating  
 8 that GIF contributed to American Jobs in order to fund specific independent expenditures in  
 9 support of Taylor's campaign. But this does not indicate that GIF received funds to be passed on  
 10 to American Jobs for those expenditures. Neither the Act nor Commission regulations prohibits  
 11 making contributions for the purpose of funding specific expenditures, and such activity does not  
 12 indicate the existence of a conduit scheme.<sup>31</sup>

13 The strongest information to support the Complaint's allegations is an email entered into  
 14 evidence in an unrelated criminal trial in which an individual states that Sisk was "leading  
 15 [Taylor's] fundraising efforts via a 501c4."<sup>32</sup> However, the email does not directly implicate  
 16 GIF or American Jobs, and it is unclear whether the email is based on reliable information — the

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<sup>29</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>30</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).

<sup>31</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>32</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.

1 email does not make clear how or from whom the email author learned of Sisk’s alleged  
2 activities. The email also does not discuss an actual conduit scheme, only that its author was  
3 aware that Sisk was soliciting contributions. Even if the “501(c)(4)” that the email discusses was  
4 GIF, it would not establish that Sisk was successful in soliciting conduit contributions or that  
5 GIF’s contributions to American Jobs were made with those funds. Sisk, moreover, submitted  
6 an affidavit denying that he had met with the individual who wrote the email and denying that he  
7 solicited contributions to American Jobs through GIF.<sup>33</sup> Thus, in the absence of other  
8 information indicating the existence of a particular scheme to make contributions in the name of  
9 another and the lack of circumstantial information indicating that GIF was operated for the  
10 purpose of making conduit contributions, the email is insufficient to warrant finding reason to  
11 believe that GIF’s contributions to American Jobs were made on behalf of other, unknown  
12 individuals.

13 Because the available information does not support a reasonable inference that Unknown  
14 Respondents made contributions to American Jobs in the name of GIF, the Commission finds no  
15 reason to believe the allegations that American Jobs violated 52 U.S.C. §§ 30104(b)(3),  
16 30116(a)(8), 30122 and 11 C.F.R. §§ 104.3(a), (j), 110.4(b) and that Thomas Norris, GIF, Joel  
17 Riter, and Unknown Respondents violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b), and  
18 finds no reason to believe the allegations as to Kyle Sisk.

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<sup>33</sup> Sisk Aff. ¶¶ 1-2, 7, 9. Sisk himself 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”).