

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 7874
Patriots of America PAC and Henry)	
“Hank” Foley in his official capacity as)	
treasurer; Dan Backer; Henry “Hank”)	
Foley in his personal capacity; Timothy)	
Viens)	

CERTIFICATION

I, Vicktoria J. Allen recording secretary of the Federal Election Commission executive session, do hereby certify that on February 09, 2023, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-4 to:
 - a. Find reason to believe that Dan Backer in his personal capacity, and Patriots of America PAC and Henry “Hank” Foley in his official capacity as treasurer violated 52 U.S.C. § 30104(b) and (g) and 11 C.F.R. §§ 104.4(b)(2) and 104.14(d) by failing to file accurate reports with the Commission and failing to file a 48 Hour Report in connection with the dissemination of an independent expenditure exceeding \$10,000.
 - b. Find no reason to believe that Timothy Viens or Henry “Hank” Foley in his personal capacity violated the Act or Commission regulations in connection with this matter.
 - c. Direct the Office of General Counsel to draft separate Factual and Legal Analyses with Dan Backer in his personal capacity, and Patriots of America PAC and Henry “Hank” Foley in his official capacity as treasurer.
 - d. Direct the Office of General Counsel to draft separate Conciliation Agreements with Dan Backer in his personal capacity, and Patriots of America and Henry “Hank” Foley in his official capacity as treasurer.

- e. Close the file as to Timothy Viens and Henry “Hank” Foley in his personal capacity.
- f. Approve the appropriate letters.

Commissioners Broussard and Weintraub voted affirmatively for the motion.

Commissioners Cooksey, Dickerson, Lindenbaum, and Trainor dissented.

2. Decided by a vote of 4-2 to:

- a. Find no reason to believe that Dan Backer, Patriots of America PAC and Henry “Hank” Foley in his official capacity as treasurer violated 52 U.S.C. § 30104(b) and (g) and 11 C.F.R. §§ 104.4(b)(2) and 104.14(d) by failing to file accurate reports with the Commission and failing to file a 48 Hour Report in connection with the dissemination of an independent expenditure exceeding \$10,000.
- b. Find no reason to believe that Timothy Viens or Henry “Hank” Foley in his personal capacity violated the Act or Commission regulations in connection with this matter.
- c. Close the file as to all respondents.
- d. Approve the appropriate letters.

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



Attest:

**Vicktoria J
Allen**

Vicktoria J. Allen
Deputy Secretary of the Commission

Digitally signed by Vicktoria
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