

Holland & Knight

800 17th Street N.W., Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Charles E. Borden
(202) 469-5461
charles.borden@hklaw.com

Samuel Brown
(202) 469-5460
samuel.brown@hklaw.com

April 28, 2021

Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, DC 20463

RE: MUR 7893

Dear Ms. Dennis:

We write on behalf of Friends of Andrew Yang and Zach Graumann in his official capacity as treasurer (collectively referred to as “FOAY”) in response to the complaint filed by Theodore Mukamal on March 25, 2021 (the “Complaint”).

The focus of the Complaint is Mr. William B. Wachtel, who is alleged to have violated 52 U.S.C. § 30122 by making contributions in the name of another. In essence, Mr. Wachtel allegedly reimbursed or promised to reimburse contributions made by other individuals to a number of federal campaigns. During the time period in question, Mr. Yang was a candidate for the Democratic nomination for President of the United States, and FOAY was Mr. Yang’s campaign committee. In the course of a long, tangled set of claims involving Mr. Wachtel, the Complaint makes two allegations that potentially relate to FOAY.

First, the Complaint states that Mr. Wachtel directed the Complainant, Mr. Theodore Mukamal, to make two contributions of \$1,000 each to FOAY. FOAY has no record of any contributions made by Mr. Mukamal. Reading the Complaint in this light, we surmise that Mr. Mukamal rejected Mr. Wachtel’s invitation, if any was ever extended, to act as a straw contributor with respect to FOAY. FOAY has never had any reason to suspect that Mr. Wachtel intended to use Mr. Mukamal as a straw donor, and indeed it appears no such contribution was ever actually made.

Second, the Complaint alleges that Mr. Wachtel directed two individuals, Paul Goodman and Roy Moskowitz, to make donations of \$1,000 each to FOAY. The Complaint does not actually

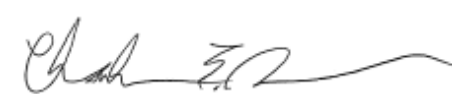
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allege that Mr. Wachtel reimbursed Mr. Goodman or Mr. Moskowitz for their contributions to FOAY, merely that he directed the contributions and took credit for them in various contexts. While Mr. Goodman and Mr. Moskowitz appear to have contributed to FOAY, the campaign has never had any reason to believe that these were contributions made in the name of another, nor has FOAY been involved in any way in a straw donor scheme led by Mr. Wachtel, if indeed one actually occurred.

Under the Federal Election Campaign Act of 1971, as amended (“the Act”), 52 U.S.C. § 30101, *et seq.*, and Federal Election Commission (“the Commission”) regulations, a campaign committee may only be liable for accepting contribution made in the name of another if the committee **knowingly accepts** a contribution made by one person in the name of another person.¹ This requires “knowledge of the operative facts of the activity”—i.e., the making of a contribution in the name of another.²

Where a “Complaint fails to provide information suggesting that the Committee had any knowledge or reason to believe that any of the contributions in question were improper,” the Commission has previously found that allegations against the Committee should be dismissed.³ Here, the Complaint does not allege any involvement by FOAY whatsoever, nor does it provide any basis to conclude that FOAY should have known of or suspected misconduct on the part of Mr. Wachtel. We therefore respectfully request that the Commission dismiss this matter and close the file.

Sincerely yours,



Charles E. Borden
Samuel Brown

¹ 52 U.S.C. § 30122; 11 CFR § 110.4(b)(1)(iv); *see also* MUR 7492 (Friends of Ben McAdams), Factual and Legal Analysis, at 8 (June 27, 2019) (“Committees and candidates are barred from knowingly accepting contributions in the name of another.”).

² MUR 4322/4650, General Counsel’s Report, 5-6 (Dec. 2, 1988).

³ MUR 7492 (Friends of Ben McAdams), Factual and Legal Analysis, at 10.