

FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL'S REPORT

MUR 7893

DATE COMPLAINT FILED: Mar. 25, 2021

DATE OF NOTIFICATIONS: Apr. 1, 2021

Oct. 22, 2021

DATE OF LAST RESPONSE: May 7, 2021

DATE ACTIVATED: July 23, 2021

EXPIRATION OF SOL: Mar. 29, 2022 –

Nov. 4, 2024

ELECTION CYCLES: 2018, 2020

COMPLAINANT:

Theodore Mukamal

RESPONDENTS:

William Wachtel

Lauren Durbal

Friends of Andrew Yang and Zach Graumann in his
official capacity as treasurer

Eric Gioia

Peter Goodman

Gregory Gushee

Roy Moskowitz

Helen Petulla

Zoe Siegel

Jesse Wachtel

Madeline Wachtel

Nicholas Wachtel

Sheldon Whitehouse

Whitehouse for Senate and Keith D. Lowey in his
official capacity as treasurer¹**RELEVANT STATUTE
AND REGULATION:**

52 U.S.C. § 30122

11 C.F.R. § 110.4(b)

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

None

¹ Sen. Sheldon Whitehouse was notified as a Respondent in this matter, but due to an administrative oversight, Whitehouse's principal campaign committee, Whitehouse for Senate, was not initially notified; Whitehouse and Whitehouse for Senate submitted a joint Response on April 21, 2021. On January 25, 2021, Keith D. Lowey was named as treasurer, prior to which Ernest P. Baptista, Jr. served as treasurer during the time relevant to this matter. Statement of Org. at 1 (Jan. 25, 2021).

1 **I. INTRODUCTION**

2
3 The Complaint alleges that William Wachtel asked others to make, and reimbursed, four
4 contributions totaling \$7,400 during the 2018 and 2020 election cycles, in violation of 52 U.S.C.
5 § 30122, a provision of the Federal Election Campaign Act of 1971, as amended (the “Act”).
6 Specifically, the Complaint alleges that Wachtel reimbursed two \$1,000 contributions made by
7 Roy Moskowitz and Paul Goodman to Friends of Andrew Yang and Zach Graumann in his
8 official capacity as treasurer (the “Yang Committee”), and two \$2,700 contributions made by
9 Wachtel’s daughter, Madeline Wachtel, to Whitehouse for Senate and Keith D. Lowey in his
10 official capacity as treasurer (the “Whitehouse Committee”). In response, William Wachtel,
11 Madeline Wachtel, Moskowitz, and Goodman have each submitted sworn statements denying
12 the allegations and specifically averring that neither William Wachtel nor any other person
13 advanced or reimbursed the funds used to make the contributions at issue.

14 As to the contributions made to the Yang and Whitehouse Committees, although the
15 Complaint advances a serious allegation, the record does not provide a sufficient factual basis to
16 reasonably conclude that the contributions at issue were reimbursed or otherwise made in the
17 name of another. The Complaint relies primarily on Complainant’s assertion that Wachtel
18 approached him to serve as a straw donor, which he refused to do, and the related inference that
19 contributions made the same day or shortly thereafter by Wachtel’s friends and family — at the
20 behest of Wachtel — may have been reimbursed along the lines of what Wachtel allegedly
21 presented to Complainant. Although the Complaint provides other circumstantial facts regarding
22 the alleged reimbursement scheme, such as Wachtel’s alleged history of reimbursing
23 contributions and Wachtel’s email correspondence with Gregory Gushee, the host of a Yang
24 fundraiser, in which Wachtel appeared to act as if the fundraiser tickets — given to Moskowitz

1 and Goodman for their \$1,000 contributions — were his to use, the Complaint crucially does not
2 provide any direct, firsthand information substantiating that Wachtel actually reimbursed the
3 contributions. Moreover, Wachtel and each of the alleged straw donors have submitted sworn
4 statements denying that any such reimbursements occurred. We therefore recommend that the
5 Commission dismiss the allegations that William Wachtel, Madeline Wachtel, Moskowitz, and
6 Goodman violated 52 U.S.C. § 30122 by making or knowingly permitting their names to be used
7 to effect contributions in the name of another.

8 Further, the available information, including Wachtel's email correspondence with
9 Gushee, does not support a reasonable inference that the recipient committees knew or had any
10 reason to believe that the contributions at issue may have been made in the name of another.
11 Therefore, we recommend that the Commission dismiss the allegations that the Yang and
12 Whitehouse Committees violated 52 U.S.C. § 30122 by knowingly accepting contributions in the
13 name of another.

14 Separate from the Yang and Whitehouse contributions, the Complaint also alleges that
15 Wachtel reimbursed contributions made by his children and employees to a number of
16 candidates from 1999 through 2012. Because these allegations are well beyond the five-year
17 statute of limitations period, we recommend that the Commission dismiss the allegations that
18 William Wachtel, Lauren Durbal, Helen Petulla, Madeline Wachtel, Jesse Wachtel, and Nicholas
19 Wachtel for violating 52 U.S.C. § 30122 by making, or knowingly permitting their names to be
20 used to effect, contributions in the name of another. Finally, as to the remaining Respondents,
21 Zoe Siegel, Gregory Gushee, and Eric Gioia, we recommend that the Commission dismiss the
22 allegations that they violated the Act because the Complaint does not appear to allege a
23 cognizable violation against them.

II. FACTUAL BACKGROUND

Complainant is an attorney and, from 2016 to 2019, was Chief of Staff of the law firm Wachtel Missry LLP.² William Wachtel is the founding partner of Wachtel Missry and co-chair of two non-profit organizations.³ The Yang Committee was the principal campaign committee of Andrew Yang, a presidential primary candidate in the 2020 election.⁴ The Whitehouse Committee is the principal campaign committee of Sheldon Whitehouse, a candidate for U.S. Senate from Rhode Island in the 2018 election.⁵

A. The Yang Committee Contributions

On November 4, 2019, Wachtel allegedly “directed” Complainant “to make two donations in the amount of \$1,000 each to the Andrew Yang presidential campaign for which Wachtel said he would reimburse [Complainant].”⁶ Complainant alleges that Wachtel informed him “repeatedly that he did not want donations to appear in his name due to the non-partisan nature of the non-profits which he co-chairs and has indicated that this is why he has chosen to use straw donors.”⁷ Complainant alleges that he refused to make the contributions, at which

² Compl. at 3 (Mar. 25, 2021).

³ *Id.*

⁴ Yang Comm. Statement of Org. at 1 (Mar. 13, 2020).

⁵ Whitehouse Comm. Statement of Org. at 1 (Jan. 25, 2021).

⁶ Compl. at 4.

⁷ *Id.* Commission records reveal that William Wachtel has contributed to a number of different political committees, the last of which was a \$500 contribution to Friends of Jim Clyburn on June 17, 2021. *See* Individual Contributions, William Wachtel (filtered by occupation “attorney”) https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=william+wachtel&contributor_occupation=attorney.

point Wachtel yelled at him “that attorneys need to be ‘tough.’”⁸ Four days later, on November 8, 2019, Wachtel fired Complainant.⁹

The same day as Complainant’s alleged refusal to make the contributions, on November 4, 2019, Wachtel emailed “close friends” Roy Moskowitz and Paul Goodman to request that each make a \$1,000 contribution to the Yang Committee: “Paul and Roy, Whether you want to attend [the fundraiser] or not, do me a big favor and make a \$1,000 contribution today if possible.”¹⁰ For each \$1,000 contribution, the Yang Committee was offering a ticket to a Yang-attended fundraiser hosted by Gregory Gushee who Wachtel allegedly wanted to “support” because of his “professional relationship” with Gushee.¹¹ Later that day, Moskowitz and Goodman forwarded to Wachtel emails confirming that each had made the requested contributions.¹² Wachtel responded to Moskowitz’s email confirmation, “Please send your ticket.”¹³

Emails attached to the Complaint appear to indicate that Wachtel viewed the fundraiser tickets for Moskowitz’s and Goodman’s contributions as his to use or transfer to others. For instance, on November 4, 2019, Wachtel emailed Gushee, the organizer of the Yang event: “Bell rang twice today for 1000 each” and in a separate email “Moskowitz and Goodman are mine.”¹⁴ Two days later, on November 6, 2019, in reference to who would attend the fundraiser, Wachtel

⁸ *Id.* at 5.

⁹ *Id.*

¹⁰ *Id.*, Ex. G; *see also id.* at 1, 5. During this time, the parties do not dispute that Complainant had access to Wachtel’s email account by virtue of his position as Chief of Staff and, indeed, Complainant attaches several emails to the Complaint in support of his allegations. Compl. at 3; Wachtel Resp. at 1 n. 4 (May 7, 2021).

¹¹ Compl. at 4, Ex. J.

¹² *Id.*, Ex. I.

¹³ *Id.*

¹⁴ *Id.*, Ex. J.

1 emailed Gushee, “Fernando Rojo will be attending the fundraiser in my stead . . . I offered him
 2 my/paul goodman’s ticket. He could easily prove to be a contributor in his own right or after the
 3 next event. Sorry I will be out of town.”¹⁵ The next day, on November 7, 2019, Wachtel
 4 informed Gushee that Eric Gioia would attend “in my stead” with the second fundraiser ticket.¹⁶

5 **B. The Whitehouse Committee Contributions**

6 The Complaint alleges that, prior to the Yang contributions, on March 29, 2017, Wachtel
 7 similarly directed Complainant to make a \$2,700 contribution to the Whitehouse Committee,
 8 which Wachtel offered to reimburse, but Complainant refused.¹⁷ Wachtel allegedly responded
 9 that he would get his daughter, Madeline Wachtel, to make the contribution “on his behalf.”¹⁸
 10 Disclosure reports indicate that Madeline Wachtel made two \$2,700 contributions to Whitehouse
 11 on March 29, 2017.¹⁹

12 **C. Activity Beyond the Five-Year Statute of Limitations**

13 The Complaint alleges that Wachtel has engaged in a “decades long practice” of
 14 reimbursing contributions by friends and family members.²⁰ As evidence of a “pattern of straw
 15 donations,” the Complaint alleges that Madeline Wachtel made multiple contributions between
 16 2007 and 2012, while she was still a student.²¹ William Wachtel’s older children, Nicholas and

¹⁵ *Id.*, Ex. L.

¹⁶ *Id.*, Ex. M.

¹⁷ *Id.* at 4.

¹⁸ *Id.*

¹⁹ *Id.*, Ex. D; Individual Contributions, Madeline Wachtel, https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=madeline%20wachtel.

²⁰ Compl. at 2.

²¹ *Id.* at 5; *id.*, Ex. D (copy of Commission website donor lookup for Madeline Wachtel). Madeline Wachtel made a \$2,300 contribution to John Edwards’s presidential campaign in 2007, when she was seventeen, and two \$2,500 contributions to Julian Schreiber, a former partner of Wachtel Missry, in 2012, when she was a 21-year-old college student.

Jesse Wachtel, also made contributions as students, and in 2012 all three adult children each made two \$2,500 contributions and Wachtel made one \$2,500 contribution to Julian Schreiber, a former Wachtel Missry partner and a candidate for the U.S. House of Representatives.²² The Complaint quotes several news articles from 2004 and 2005 “which publicly suspected Wachtel of making straw donations.”²³ Complainant further alleges that Helen Petulla, Wachtel’s executive assistant, told him that Wachtel directed her, office manager Lauren Durbal, and another unnamed employee to make “straw donations” to Bill Bradley, a presidential candidate in the 2000 election.²⁴

D. Responses

In his Response, Wachtel contends that Complainant is a “disgruntled former employee,” and despite having had full access to Wachtel’s email, does not directly allege, much less provide evidence, that Wachtel reimbursed the Yang or Whitehouse contributions.²⁵ Attached to Wachtel’s Response are the sworn statements of William Wachtel, Madeline Wachtel, Petulla, Goodman, and Moskowitz. Madeline Wachtel, Petulla, Goodman, and Moskowitz state that neither Wachtel nor anyone else “offered or promised to reimburse” or “reimbursed” any

²² *Id.*, Exs. D-F (copies of Commission website donor lookup for Madeline, Nicholas and Jesse Wachtel); Friends of Julian Schreiber, Am. October 2012 Quarterly Report at 203 (May 21, 2013) (showing Wachtel’s contribution). Jesse Wachtel made a \$2,000 contribution to Richard Gephardt in 2004 listing his occupation as “student,” a \$2,300 contribution to Bill Richardson in 2007 listing his occupation as “not employed/student,” and a \$2,300 contribution to John Edwards in 2007 listing his occupation as “student.” *Id.*, Ex. E. Nicholas Wachtel also made a \$2,000 contribution to Richard Gephardt on December 31, 2003 listing his occupation as “student.” *Id.*, Ex. F.

²³ Compl. at 1-2 (citing, for example, Ben Smith, *Ferrer’s Campaign Gets McCall Man, A Peppy Wachtel*, OBSERVER (Mar. 29, 2004), <https://observer.com/2004/03/ferrers-campaign-gets-mccall-man-a-peppy-wachtel/> (“Mr. Wachtel is also Mr. Ferrer’s biggest political fund-raiser, and has been so aggressive that three administrative workers at his law firm and his two college-age sons each contributed \$4,950-the highest amount allowed under city campaign-finance regulations.”)).

²⁴ *Id.* at 4. According to the Complaint, “election officials” interrogated Petulla and Durbal at their homes about the contributions, but did not take further action.

²⁵ Wachtel Resp. at 1.

contributions,²⁶ and that “[a]ny political contribution I ever made was done so voluntarily using my own personal funds.”²⁷ Wachtel attests that “I have not furnished anyone with funds, or anything else of value, for the purpose of making any political contributions, whether through an advance or through a reimbursement.”²⁸

The Yang and the Whitehouse Committees each filed a Response arguing that the Complaint does not directly allege any reimbursement of the contributions, and that even if the contributions were reimbursed, the Complaint does not allege that the committees knew that the contributions were made in the name of another.²⁹

Finally, Zoe Siegel, an employee of Drum Major Institute, one of the non-profit organizations that Wachtel co-chairs, submitted a Response stating that she appears in some of the emails attached to the Complaint concerning who would attend the Yang fundraiser, but she played no part in the making or acceptance of the contributions.³⁰

III. LEGAL ANALYSIS

The Act and Commission regulations provide that no person shall make a contribution in the name of another person, knowingly permit his or her name to be used to effect such a contribution, or knowingly accept such a contribution.³¹ 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

²⁶ *Id.*, Madeline Wachtel Aff. ¶¶ 6-7; Petulla Aff. ¶¶ 7-8; Goodman Aff. ¶¶ 5-6; Moskowitz Aff. ¶¶ 5-6.

²⁷ Wachtel Resp., Madeline Wachtel Aff. ¶ 4; Petulla Aff. ¶ 5; Goodman Aff. ¶ 3; Moskowitz Aff. ¶ 3.

²⁸ Wachtel Resp., Wachtel Aff. ¶ 4.

²⁹ Friends of Andrew Yang Resp. at 1 (May 5, 2021); Whitehouse and Whitehouse for Senate Resp. at 1 (Apr. 21, 2021).

³⁰ Siegel Resp. at 1 (Apr. 6, 2021).

³¹ 52 U.S.C. § 30122; 11 C.F.R. § 110.4(b)(1)(i), (ii), (iv).

- 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.³²

Here, the Complaint alleges that Wachtel first approached Complainant asking him to make contributions to Yang and Whitehouse and that Wachtel would reimburse him for the contributions. Upon his refusal, Complainant states that Wachtel solicited others to make the contributions the same day or shortly thereafter. Complainant also alleges that Wachtel revealed his motivation for making contributions through straw donors, which was to keep his name out of politics given his role in non-profit organizations. The Complaint further suggests that Wachtel's email correspondence describing the Yang fundraiser tickets as "my ticket" and appointing people to attend the fundraiser "in my stead" indicates that Wachtel reimbursed the Yang contributions.³³ While the Complaint does not provide direct factual support regarding any reimbursement, the Complaint suggests that a reasonable inference can be made that Wachtel offered to reimburse the actual contributors as he did with respect to Complainant.

It is possible that, after Complainant allegedly refused Wachtel's request to act as a straw donor for contributions, Wachtel would ask others to instead serve as straw donors to effectuate his intended contributions. However, Wachtel and the individuals alleged to have received the reimbursements for those contributions — *i.e.*, Moskowitz, Goodman, and Madeline Wachtel — have each submitted a sworn statement specifically denying the factual premise of the allegations.³⁴ William Wachtel states that "I have not furnished anyone with funds, or anything

³² 11 C.F.R. § 110.4(b)(2)(i)–(ii).

³³ Compl., Exs. L-M.

³⁴ Wachtel Resp., Attachs.

1 else of value, for the purpose of making any political contributions, whether through an advance
 2 or through a reimbursement.”³⁵ Likewise, Moskowitz, Goodman and Madeline Wachtel state
 3 that “Neither [William Wachtel], nor anyone else, has ever given me funds or anything else of
 4 value, whether through an advance or a reimbursement, for the purpose of making a political
 5 contribution.”³⁶

6 In similar prior matters where allegations of reimbursed contributions were based on
 7 circumstantial information, the Commission has required specific factual support regarding the
 8 alleged reimbursement, especially where respondents submitted sworn denials.³⁷ For example,
 9 in MUR 6246 (Brennan), the complainant alleged that his employer asked him to make a
 10 political contribution that he would reimburse in cash, telling him that others, including the
 11 employer’s parents, were “doing it as well.”³⁸ Complainant alleged that his employer must have
 12 likewise asked others to make contributions with the promise of reimbursement, and then
 13 reimbursed those contributions.³⁹ However, the Commission found no reason to believe a
 14 violation occurred, rejecting the complainant’s inferential argument in light of the respondents’

³⁵ Wachtel Resp., Wachtel Aff. ¶ 4.

³⁶ Wachtel Resp., Moskowitz Aff. ¶ 6; Goodman Aff. ¶ 6; Madeline Wachtel Aff. ¶ 6.

³⁷ *E.g.*, Factual and Legal Analysis (“F&LA”) at 7, MUR 6246 (Brennan) (finding no reason to believe where complaint lacked firsthand information regarding reimbursement); MUR 7341 (Law for Congress) (finding no reason to believe where complaint relied on circumstantial information and respondents submitted affidavits denying the receipt of reimbursements); *see also* F&LA at 4, MUR 7091 (Friends of Patrick Murphy) (finding no reason to believe where contributions of family members and associates were clustered but not supported by any additional information that the contributions were not made with personal funds); F&LA at 4-5, MUR 6990 (Friends of Patrick Murphy) (finding no reason to believe that a “donor swap” scheme violated the Act where the complaint failed to present facts that the contributions were not made with the personal funds of the contributors); F&LA at 12-13, MUR 6292 (Joe Walsh for Congress Committee, Inc.) (finding no reason to believe where the complainant lacked personal information about the identity, source or how the alleged family contributions in the name of another scheme was perpetrated); *cf.* F&LA at 5-9, MUR 7102 (Keefe, Keefe, and Unsell, P.C.) (finding reason to believe based on circumstantial evidence of a reimbursement scheme, where the respondents *did not* directly deny the allegations).

³⁸ F&LA at 2, MUR 6246 (Brennan).

³⁹ *Id.*

1 sworn statements specifically denying the reimbursement allegations, and the fact that the
2 complaint provided “no information or firsthand knowledge” of the reimbursement.⁴⁰ Likewise,
3 in MUR 7341 (Law for Congress), the Commission found no reason to believe a violation
4 occurred where the complaint alleged that a candidate’s wealthy aunt reimbursed a series of
5 contributions from the candidate’s family members, relying principally on circumstantial
6 information including the clustering and amount of the contributions, as well as the familial
7 relationship of the contributors, and the Respondents submitted affidavits denying that the
8 contributions were reimbursed.⁴¹

9 Similarly, here, while the Complaint submits circumstantial information suggesting that
10 Wachtel might have reimbursed the Yang and Whitehouse contributions, there is no firsthand
11 information to indicate that the contributions at issue were, in fact, reimbursed — an assertion
12 that the individuals involved have specifically denied. With respect to the Yang contributions,
13 Wachtel first allegedly approached Complainant to make a contribution with the promise of
14 reimbursement, and when Complainant refused, Wachtel approached personal friends,
15 Moskowitz and Goodman, who made the requested contributions later the same day. Although
16 his emails indicate that Wachtel appeared to view the resulting Yang fundraiser tickets as his to
17 make use of, which could potentially be read to suggest that Wachtel provided Moskowitz and
18 Goodman with the funds used to acquire those tickets, all three have denied under oath that any
19 reimbursement occurred, and Complainant does not provide any firsthand information to

⁴⁰ *Id.* at 6.

⁴¹ Certification at 1-2, MUR 7341 (Law for Congress) (Mar. 19, 2019).

contradict or undermine their denials.⁴² It is also plausible that Wachtel approached Complainant and asked him to be a straw donor, as alleged, but did not make the same request of Moskowitz or Goodman and instead asked them to make the contributions using their own funds.

With respect to the Whitehouse contributions, likewise, there is no firsthand information indicating that Wachtel actually reimbursed his daughter's contributions, and both Wachtel and his daughter have denied any such reimbursement.⁴³ Moreover, the Complaint's allegation that Wachtel said that he would get his daughter to contribute "on his behalf" does not necessarily mean that Wachtel intended to reimburse his daughter's contributions, and could instead be interpreted to mean that Wachtel intended to ask her to make the contributions on her own, using her own personal funds, albeit as a favor to him — a view arguably supported by Madeline Wachtel's history of making political contributions.

Because the Complaint provides only circumstantial information regarding the alleged contributions in the name of another — *i.e.*, it provides no direct firsthand knowledge that the contributions were reimbursed — and multiple sworn affidavits specifically deny that the contributions were, in fact, reimbursed, we recommend that the Commission dismiss the allegations that William Wachtel made, and that Moskowitz, Goodman, and Madeline Wachtel knowingly permitted their names to be used to effect, contributions in the name of another, in

⁴² Further, there are alternative explanations to some of the emails that are unrelated to reimbursed contributions. For example, a possible explanation for the emails from Wachtel to Gushee that "Moskowitz and Goodman are mine" or that Gioia would attend "in my stead" could be that Wachtel wanted to take credit for having raised legal funds for the fundraiser of Gushee, a person with whom he had a "professional relationship." If Moskowitz and Goodman made the contributions to the Yang Committee as a "big favor" to Wachtel, they may have had no interest in attending the Yang fundraiser, and indeed, the original solicitation asked them to make the contribution whether they "want to attend or not." Compl., Ex. G. Further, the Complaint attaches an email in which Wachtel asks Moskowitz to send him his fundraiser ticket. *Id.*, Ex. I. Although Moskowitz's answer is not attached to the Complaint, Wachtel's request for the ticket suggests that he did not presume the tickets were his to use as if he were the true source of the contributions.

⁴³ See Wachtel Resp., William Wachtel Aff. ¶¶ 2-4, Madeline Wachtel Aff. ¶¶ 4-7.

1 violation of 52 U.S.C. § 30122. Further, the available information, including Wachtel's email
2 correspondence with Gushee, does not support a reasonable inference that the recipient
3 committees knew or had any reason to believe that the contributions at issue may have been
4 made in the name of another. We therefore further recommend that the Commission dismiss the
5 allegations that the Yang Committee, Sen. Whitehouse, or the Whitehouse Committee knowingly
6 accepted a contribution in the name of another, in violation of 52 U.S.C. § 30122.

7 In addition, the Complaint alleges that Wachtel made, and Lauren Durbal, Helen Petulla,
8 Jesse Wachtel, Nicholas Wachtel, and Madeline Wachtel used their names to effect,
9 contributions in the names of another, to various candidates from 1999 through 2012. However,
10 this conduct occurred beyond the five-year statute of limitations.⁴⁴ We therefore recommend
11 that the Commission dismiss the allegations. Finally, the Complaint makes allegations against
12 Eric Gioia, Gregory Gushee, and Zoe Siegel — the individuals who attended the Yang fundraiser
13 with Moskowitz's ticket, organized the Yang fundraiser and interacted with Wachtel about the
14 tickets, and corresponded with Wachtel about potential attendees to the fundraiser, respectively
15 — but does not appear to state a cognizable violation of the Act or Commission regulations.
16 Therefore, we recommend that the Commission dismiss the allegations with respect to these
17 Respondents.

⁴⁴ 28 U.S.C. § 2462.

IV. RECOMMENDATIONS

1. Dismiss the allegations that William Wachtel, Peter Goodman, Roy Moskowitz, and Madeline Wachtel violated 52 U.S.C. § 30122 in connection with the contributions to the Yang and Whitehouse Committees;
2. Dismiss the allegations that Friends of Andrew Yang and Zach Graumann in his official capacity as treasurer, Sen. Sheldon Whitehouse, and Whitehouse for Senate and Keith D. Lowey in his official capacity as treasurer violated 52 U.S.C. § 30122 by knowingly accepting a contribution in the name of another;
3. Dismiss the allegations that William Wachtel, Lauren Durbal, Helen Petulla, Madeline Wachtel, Jesse Wachtel, and Nicholas Wachtel violated 52 U.S.C. § 30122 in connection with contributions beyond the five-year statute of limitations;
4. Dismiss the allegations that Eric Gioia, Gregory Gushee, and Zoe Siegel violated the Act or Commission regulations in this matter;
5. Approve the attached Factual and Legal Analysis;
6. Approve the appropriate letters; and

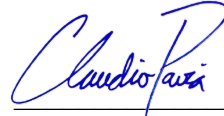
7. Close the file.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel for Enforcement

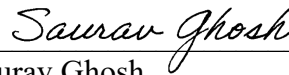
November 17, 2021

Date



Claudio Pavia

Acting Deputy Associate General Counsel
for Enforcement



Saurav Ghosh

Acting Assistant General Counsel for
Enforcement



Nicholas I. Bamman
Attorney