

1 **FEDERAL ELECTION COMMISSION**

2  
3 **FIRST GENERAL COUNSEL'S REPORT**

4  
5 RAD REFERRAL: 18L-32  
6 DATE REFERRED: October 11, 2018  
7 DATE OF NOTIFICATION: October 15, 2018  
8 RESPONSE RECEIVED: May 24, 2019  
9 DATE ACTIVATED: June 7, 2019

10  
11 ELECTION CYCLES: 2018  
12 EXPIRATION OF SOL:  
13 Earliest: February 9, 2023  
14 Latest: February 22, 2023

15  
16 **SOURCE:** Internally Generated

17  
18 **RESPONDENTS:** Black Americans for a Better Future and  
19 Chris Marston in his official capacity as treasurer  
20 Mensah Real Estate Property, LLC  
21 Stephen Cannon

22  
23 **RELEVANT STATUTES**  
24 **AND REGULATIONS:** 52 U.S.C. § 30102(b) and (c)  
25 52 U.S.C. § 30104(a) and (b)

26  
27 **INTERNAL REPORTS CHECKED:** Disclosure Reports  
28 Reports Analysis Division Referral Materials

29  
30 **AGENCIES CHECKED:** None

31  
32 **I. INTRODUCTION**

33  
34 The Reports Analysis Division (“RAD”) referred Black Americans for a Better Future  
35 and Chris Marston in his official capacity as treasurer (the “Committee”) to the Office of General  
36 Counsel (“OGC”) for potential violations of the Federal Election Campaign Act of 1971, as  
37 amended (the “Act”), arising from unauthorized disbursements of Committee funds totaling  
38 \$57,666.67 made to two recipients.

39 The Committee, in a memo filed with its 2018 April Quarterly Report, asserts that it was  
40 the victim of a “wire transfer scheme” during the reporting period, but states that it recovered  
41 \$32,666.67 from one of the recipients of the Committee’s funds. In an email sent to the  
42 Commission in response to the notification of the referral, the Committee stated that it had

1 received a judgment for the remaining \$25,000. As discussed below, the available information  
2 does not provide sufficient information to determine what took place, and the Committee did not  
3 respond to invitations from RAD to supplement its response to its Request for Additional  
4 Information (“RFAI”).

5 Based on available information, we recommend that the Commission open a Matter  
6 Under Review (“MUR”) and find reason to believe that Mensah Real Estate Property, LLC, and  
7 Stephen Cannon knowingly and willfully violated 52 U.S.C. § 30102(b)(3) by commingling  
8 Committee funds with their own.<sup>1</sup> We further recommend that the Commission take no action at  
9 this time as to whether the Committee violated 52 U.S.C. §§ 30102(c) and 30104(b) by failing to  
10 keep complete records and file accurate reports. We also propose an investigation to determine  
11 the nature and extent of the embezzlement scheme and the amount in violation.

## 12 **II. FACTUAL AND LEGAL ANALYSIS**

### 13 **A. Background**

14 The Committee is an independent expenditure-only political committee registered with  
15 the Commission.<sup>2</sup> On April 12, 2018, the Committee filed its 2018 April Quarterly Report and  
16 disclosed four disbursements—\$8,000 on February 9, 2018, \$18,667.67 on February 12, 2018,  
17 \$6,000 on February 15, 2018, and \$25,000 on February 22, 2018—totaling \$57,666.67 made to  
18 two recipients, Mensah Real Estate Property, LLC, and Stephen Cannon.<sup>3</sup> The Committee  
19 labeled each of the disbursements as a “fraudulent wire transfer.” The Committee also disclosed

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<sup>1</sup> We do not examine a potential violation of 52 U.S.C. § 30114(a) and (b) because the Act’s personal use provisions do not apply to unauthorized committees.

<sup>2</sup> See Black Americans for a Better Future, FEC Form 1, *Statement of Organization* (amend. Sept. 16, 2014).

<sup>3</sup> Referral at 1 (Oct. 11, 2018), Attach. 2; see also Black Americans for a Better Future, FEC Form 3X, *Report of Receipts and Disbursements* (Apr. 12, 2018). The first three disbursements were made to Mensah Real Estate Property, LLC, and the fourth \$25,000 disbursement was made to Stephen Cannon.

1 three separate receipts from Mensah Real Estate Property, LLC—\$6,000, \$8,000, and  
2 \$18,666.67, all received March 27, 2018—totaling \$32,666.67.<sup>4</sup> The Committee labeled each of  
3 these receipts as “recovery of fraudulent wire transfer.”<sup>5</sup> The Committee attached a memo to its  
4 Report that stated:

5 The Committee was the victim of a wire fraud scheme during the reporting  
6 period. Four wire transfers were made to two recipients during the period  
7 . . . Funds from three of the transfers to one of the recipients were  
8 recovered during the reporting period . . . The Committee continues to  
9 work with law enforcement to recover the funds from the final fraudulent  
10 transfer. The Committee has also adopted additional internal controls to  
11 prevent similar fraudulent transactions in the future. All transactions have  
12 been completely reported and the Committee's bank balance reconciles to  
13 the closing cash on hand on this report.<sup>6</sup>

14  
15 On July 12, 2018, RAD sent an RFAI to the Committee that requested clarification  
16 regarding the apparent unauthorized disbursement of Committee funds.<sup>7</sup> On August 16, 2018,  
17 the Committee filed an amended 2018 April Quarterly Report.<sup>8</sup> The amended Report did not  
18 disclose any changes to the apparent unauthorized transactions, but included memo text that  
19 stated, in part:

20 This amendment responds to a request for additional information dated  
21 July 12, 2018. The Committee included memo text with its original report  
22 providing a complete explanation for the first two items related to  
23 fraudulent wire transfers and believes that clarifying information is  
24 complete with regard to the fraud perpetrated on the Committee and its  
25 work with law enforcement to recover the fraudulent funds and adopt  
26 improved internal controls to combat future fraud.<sup>9</sup>

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4 *Id.*

5 *Id.*

6 Referral at 2; Black Americans for a Better Future, 2018 April Quarterly Report.

7 Referral at 2; Black Americans for a Better Future, RFAI (July 12, 2018).

8 Black Americans for a Better Future, FEC Form 3X, *Report of Receipts and Disbursements* (amend. Aug. 16, 2018).

9 *Id.*; referral at 2.

1           On August 23, 2018, RAD contacted the Committee's treasurer to inform him that the  
2 matter could be referred to OGC for further action and invited the Committee to submit further  
3 information regarding the unauthorized use of Committee funds.<sup>10</sup> The Committee's treasurer  
4 indicated he had no further information to offer.<sup>11</sup> In response to the notification to the referral,  
5 counsel for the Committee sent an email to the Commission stating that the Committee had  
6 obtained a judgment from a Virginia Circuit Court against Mensah in a forfeiture action seeking  
7 the return of the outstanding \$25,000, and that as soon as the Committee received the funds, it  
8 would amend its disclosure reports to accurately reflect receipt of the funds.<sup>12</sup> The email  
9 included a copy of an April 2, 2019, court order directing that \$25,000 be disbursed to the  
10 Committee from a holding account.<sup>13</sup> In a second email, the Committee's counsel indicated that  
11 local prosecutors informed him that criminal charges related to the embezzlement will likely not  
12 be filed because all investigative leads had been exhausted.<sup>14</sup> To date, the Committee has not  
13 amended its disclosure reports to reveal additional reimbursements for the funds.

## 14           **B. Legal Analysis**

15           The Act requires a committee, through its treasurer, to keep an accurate account of  
16 receipts, disbursements, and cash-on-hand balances.<sup>15</sup> To accomplish this, the Act imposes on  
17 committees a series of recordkeeping and reporting requirements to be executed by the  
18 committee's treasurer. The Act provides that committees must record the name and address of

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<sup>10</sup> Referral at 2; Attach. 3.

<sup>11</sup> *Id.*

<sup>12</sup> Email from Steve Roberts, counsel to Committee, to CELA Staff (May 24, 2019, 4:31 P.M. EDT).

<sup>13</sup> *Id.*

<sup>14</sup> Email from Steve Roberts, counsel to Committee, to CELA Staff (October 1, 2019, 4:48 P.M. EDT).

<sup>15</sup> 52 U.S.C. §§ 30102(c), 30104(b); 11 C.F.R. §§ 104.3, 104.14(d).

1 every person to whom a disbursement is made, and the date, amount, and purpose of the  
2 disbursement, and retain records (*e.g.*, receipt, cancelled check, invoice) related to each  
3 disbursement in excess of \$200.<sup>16</sup>

4 The Act also requires that Committees file disclosure reports with the Commission.  
5 Committee reports must disclose: (1) the amount of cash-on-hand at the start of the reporting  
6 period; (2) the total amount of receipts; (3) the identity of any person who contributes more than  
7 \$200 in the election cycle, and the date and amount of the contribution(s); (4) the total amount of  
8 disbursements; (5) the identity of any person to whom the committee disburses over \$200 during  
9 the election cycle, together with the date, amount, and purpose of the expenditure(s); and (6) the  
10 amount of cash-on-hand at the close of the reporting period.<sup>17</sup> The Act also states that a  
11 committee's funds "shall be segregated from, and may not be commingled with, the personal  
12 funds of any individual."<sup>18</sup>

13 **1. Mensah Real Estate Property, LLC, and Stephen Cannon Knowingly**  
14 **and Willfully Violated the Act**  
15

16 A violation of the Act is knowing and willful when the "acts were committed with full  
17 knowledge of all the relevant facts and a recognition that the action is prohibited by law."<sup>19</sup> This  
18 does not require proving knowledge of the specific statute or regulation the respondent allegedly  
19 violated.<sup>20</sup> Rather, it is sufficient to demonstrate that a respondent "acted voluntarily and was

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<sup>16</sup> 52 U.S.C. § 30102(c)(5); 11 C.F.R. § 102.9(b)(1)-(2).

<sup>17</sup> 52 U.S.C. § 30104(b)(1)-(6); 11 C.F.R. § 104.3(a)-(b); *see also* Fed. Election Comm'n, Form 3X, *Report of Receipts and Disbursements for an Authorized Committee* (May 2016).

<sup>18</sup> 52 U.S.C. § 30102(b)(3); 11 C.F.R. § 102.15.

<sup>19</sup> 122 Cong. Rec. H3778 (daily ed. May 3, 1976).

<sup>20</sup> *See United States v. Danielczyk*, 917 F. Supp. 2d 573, 579 (E.D. Va. 2013) (citing *Bryan v. United States*, 524 U.S. 184, 195 & n.23 (1998) (holding that, to establish that a violation is willful, the government needs to show only that the defendant acted with knowledge that her conduct was unlawful, not knowledge of the specific statutory provision violated)).

1 aware that his conduct was unlawful.”<sup>21</sup> This awareness may be shown through circumstantial  
2 evidence, such as a “defendant’s elaborate scheme for disguising” his or her actions, or other  
3 “facts and circumstances from which the jury reasonably could infer [the defendant] knew the  
4 conduct was unauthorized and illegal.”<sup>22</sup>

5         It appears that Mensah Real Estate Property, LLC, and Stephen Cannon commingled  
6 Committee funds with their own. Neither Mensah Real Estate Property, LLC, nor Stephen  
7 Cannon responded to the notification of this referral. Although the Committee states that it has  
8 received reimbursements from Mensah Real Estate Property, LLC, it does not appear that the  
9 Committee has received reimbursement from Stephen Cannon for the remaining \$25,000. We  
10 recommend that the Commission find reason to believe that Mensah Real Estate Property, LLC,  
11 and Stephen Cannon knowingly and willfully violated 52 U.S.C. §§ 30102(b)(3) by  
12 commingling Committee funds with their own.

13                   **2. The Commission Should Take no Action at this Time Regarding Black**  
14                   **Americans for a Better Future.**

15  
16         According to disclosure reports filed with the Commission, there were four fraudulent  
17 transfers totaling \$57,666.67 made to two recipients. In the same reporting period, the  
18 Committee also disclosed the recovery of \$32,666.67 from one of the recipients. Even so, there  
19 is the issue of the remaining \$25,000, reportedly disbursed to Stephen Cannon. The copy of the  
20 judgment the Committee submitted regarding the \$25,000 mentions Mensah, not Cannon.  
21 Further, although the judgment indicates that the Committee was to receive \$25,000 of forfeited

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<sup>21</sup> *Id.*

<sup>22</sup> *United States v. Hopkins*, 916 F.2d 207, 213-15 (5th Cir. 1990) (internal quotation marks omitted). As the *Hopkins* court noted, “It has long been recognized that ‘efforts at concealment [may] be reasonably explainable only in terms of motivation to evade’ lawful obligations.” *Id.* at 214 (quoting *Ingram v. United States*, 360 U.S. 672, 679 (1959)).

1 funds, the Committee has not disclosed receipt of those funds, and local prosecutors apparently  
2 have no leads as to who is responsible for the conversion of those funds.

3         When determining the extent of a committee's liability related to the unauthorized use of  
4 Committee funds, the Commission has examined whether the embezzlement resulted from the  
5 committee's failure to implement adequate control procedures over committee finances.<sup>23</sup> In its  
6 *Statement of Policy: Safe Harbor for Misreporting Due to Embezzlement*, the Commission stated  
7 that it would not seek a monetary penalty for misreporting against a committee if the committee  
8 had certain minimal internal controls in place at the time of the embezzlement and took certain  
9 steps after discovering the embezzlement.<sup>24</sup>

10         The controls identified in the policy statement are: (1) opening all bank accounts in the  
11 name of the committee using its Employer Identification Number; (2) monthly bank statements  
12 are reviewed for unauthorized transactions and reconciled by someone other than the individual  
13 with check signing authority or who has responsibility for the committee's accounting; (3) dual-  
14 signing authority for checks over \$1,000; (4) procedures for handling incoming receipts by  
15 someone other than the individuals with accounting or banking authority; and (5) safeguards for  
16 managing a petty cash account. After the discovery of embezzlement, the policy statement also  
17 requires the committee to notify law enforcement and the Commission, and file amended  
18 Commission reports to correct any inaccuracies. If the committee follows some, but not all of

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<sup>23</sup> See, e.g., Factual & Legal Analysis at 7, MUR 7225 (Wu); Factual & Legal Analysis at 20, MUR 6922 (ACA International Political Action Committee); Factual & Legal Analysis at 4, MUR 5923 (American Dream PAC); Factual & Legal Analysis at 4, MUR 5920 (Women's Campaign Fund).

<sup>24</sup> Statement of Policy: Safe Harbor for Misreporting Due to Embezzlement, 72 Fed. Reg. 16,695, 16,695 (Apr. 5, 2007).

1 these practices, or has other comparable safeguards, the Commission will consider those  
2 measures as mitigating factors when determining the committee's monetary liability.<sup>25</sup>

3 In this matter we have little information regarding the fraudulent disbursements, and no  
4 specific information regarding the Committee and its financial safeguards. While in other cases  
5 the Commission has referred Committees from which funds have been embezzled to the  
6 Alternative Dispute Resolution Office, we recommend that the Commission take no action at this  
7 time as to the Respondents pending the investigation of Mensah Real Estate Property, LLC, and  
8 Stephen Cannon.<sup>26</sup> Unlike those other cases, the Commission lacks material facts regarding the  
9 Committee's internal controls, how the embezzlement occurred, and the means by which partial  
10 reimbursements were made to the Committee. We believe the investigation may uncover this  
11 missing information, at which time we will make the appropriate recommendations.<sup>27</sup>  
12 Accordingly, we recommend that the Commission take no action at this time as to whether the  
13 Committee violated 52 U.S.C. §§ 30102(c) and 30104(b) by failing to keep complete records and  
14 file accurate reports in connection with the unauthorized use of Committee funds.

### 15 **III. PROPOSED INVESTIGATION**

16 The investigation would seek information regarding how disbursements to Mensah Real  
17 Estate Property, LLC, and to Stephen Cannon occurred, and the circumstances regarding  
18 disbursements to the Committee. As it seems likely that Respondents will not cooperate with the  
19 investigation, we recommend that the Commission approve the use of compulsory process.

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<sup>25</sup> *Id.*; see also *Internal Controls and Political Committees*, FED. ELECTION COMM'N.

<sup>26</sup> See, e.g., Certification, RRs 15L-03, 15L-12 and 15L-16 (McConnell Senate Committee/Pate) (Oct. 30, 2015); Certification, RRs 12L-39, 12L-44, 12L-46 & 12L-71 (Richardson for Congress); Certification, MUR 6768 (Doherty); Notification, Pre-MUR 526 (Geoff Davis for Congress).

<sup>27</sup> See Certification, MUR 7226 (Pawlowski2016.com) (March 22, 2017) (Finding reason to believe against alleged embezzler; taking no action at that time as to Committee pending investigation and criminal trial)

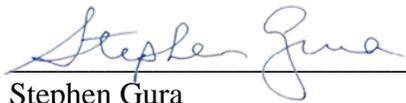
**IV. RECOMMENDATIONS**

1. Open a Matter Under Review;
2. Find reason to believe that Mensah Real Estate Property, LLC, and Stephen Cannon knowingly and willfully violated 52 U.S.C. §§ 30102(b)(3) by commingling Committee funds with their own;
3. Take no action at this time as to allegations that Black Americans for a Better Future and Chris Marston in his official capacity as treasurer violated 52 U.S.C. §§ 30102(c) and 30104(b) by failing to keep complete records and file accurate reports;
4. Approve the attached factual and legal analysis;
5. Approve the use of compulsory process; and
6. Approve the appropriate letters.

Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Acting Associate General Counsel  
for Enforcement

10.3.19  
Date

  
 Stephen Gura  
 Deputy Associate General Counsel  
 for Enforcement

  
 Mark Shonkwiler  
 Assistant General Counsel

  
 Wanda D. Brown  
 Attorney

Attachment:  
Factual and Legal Analysis



1 disclosed four disbursements—\$8,000 on February 9, 2018, \$18,667.67 on February 12, 2018,  
2 \$6,000 on February 15, 2018, and \$25,000 on February 22, 2018—totaling \$57,666.67 made to  
3 two recipients, Mensah Real Estate Property, LLC, and Stephen Cannon.<sup>3</sup> The Committee  
4 labeled each of the disbursements as a “fraudulent wire transfer.” The Committee also disclosed  
5 three separate receipts from Mensah Real Estate Property, LLC—\$6,000, \$8,000, and  
6 \$18,666.67, all received March 27, 2018—totaling \$32,666.67.<sup>4</sup> The Committee labeled each of  
7 these receipts as “recovery of fraudulent wire transfer.”<sup>5</sup> The Committee attached a memo to its  
8 Report that stated:

9           The Committee was the victim of a wire fraud scheme during the reporting  
10          period. Four wire transfers were made to two recipients during the period  
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12          recovered during the reporting period . . . The Committee continues to  
13          work with law enforcement to recover the funds from the final fraudulent  
14          transfer. The Committee has also adopted additional internal controls to  
15          prevent similar fraudulent transactions in the future. All transactions have  
16          been completely reported and the Committee's bank balance reconciles to  
17          the closing cash on hand on this report.<sup>6</sup>

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19          On July 12, 2018, RAD sent an RFAI to the Committee that requested clarification  
20          regarding the apparent unauthorized disbursement of Committee funds.<sup>7</sup> On August 16, 2018,  
21          the Committee filed an amended 2018 April Quarterly Report.<sup>8</sup> The amended Report did not

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<sup>3</sup> Referral at 1 (Oct. 11, 2018), Attach. 2; *see also* Black Americans for a Better Future, FEC Form 3X, *Report of Receipts and Disbursements* (Apr. 12, 2018). The first three disbursements were made to Mensah Real Estate Property, LLC, and the fourth \$25,000 disbursement was made to Stephen Cannon.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Referral at 2; Black Americans for a Better Future, 2018 April Quarterly Report.

<sup>7</sup> Referral at 2; Black Americans for a Better Future, RFAI (July 12, 2018).

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1 disclose any changes to the apparent unauthorized transactions, but included memo text that  
2 stated, in part:

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6 fraudulent wire transfers and believes that clarifying information is  
7 complete with regard to the fraud perpetrated on the Committee and its  
8 work with law enforcement to recover the fraudulent funds and adopt  
9 improved internal controls to combat future fraud.<sup>9</sup>

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12 matter could be referred to OGC for further action and invited the Committee to submit further  
13 information regarding the unauthorized use of Committee funds.<sup>10</sup> The Committee's treasurer  
14 indicated he had no further information to offer.<sup>11</sup> In response to the notification to the referral,  
15 counsel for the Committee sent an email to the Commission stating that the Committee had  
16 obtained a judgment from a Virginia Circuit Court against Mensah in a forfeiture action seeking  
17 the return of the outstanding \$25,000, and that as soon as the Committee received the funds, it  
18 would amend its disclosure reports to accurately reflect receipt of the funds.<sup>12</sup> The email  
19 included a copy of an April 2, 2019, court order directing that \$25,000 be disbursed to the  
20 Committee from a holding account.<sup>13</sup> To date, the Committee has not amended its disclosure  
21 reports to reveal additional reimbursements for the funds.

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<sup>9</sup> *Id.*; referral at 2.

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<sup>12</sup> Email from Steve Roberts, counsel to Committee, to CELA Staff (May 24, 2019, 4:31 P.M. EDT).

<sup>13</sup> *Id.*

1           **B. Legal Analysis**

2           The Act requires a committee, through its treasurer, to keep an accurate account of  
3 receipts, disbursements, and cash-on-hand balances.<sup>14</sup> To accomplish this, the Act imposes on  
4 committees a series of recordkeeping and reporting requirements to be executed by the  
5 committee’s treasurer. The Act provides that committees must record the name and address of  
6 every person to whom a disbursement is made, and the date, amount, and purpose of the  
7 disbursement, and retain records (*e.g.*, receipt, cancelled check, invoice) related to each  
8 disbursement in excess of \$200.<sup>15</sup>

9           The Act also requires that Committees file disclosure reports with the Commission.  
10 Committee reports must disclose: (1) the amount of cash-on-hand at the start of the reporting  
11 period; (2) the total amount of receipts; (3) the identity of any person who contributes more than  
12 \$200 in the election cycle, and the date and amount of the contribution(s); (4) the total amount of  
13 disbursements; (5) the identity of any person to whom the committee disburses over \$200 during  
14 the election cycle, together with the date, amount, and purpose of the expenditure(s); and (6) the  
15 amount of cash-on-hand at the close of the reporting period.<sup>16</sup>

16           The Act also states that a committee’s funds “shall be segregated from, and may not be  
17 commingled with, the personal funds of any individual.”<sup>17</sup> A violation of the Act is knowing and  
18 willful when the “acts were committed with full knowledge of all the relevant facts and a

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<sup>14</sup> 52 U.S.C. §§ 30102(c), 30104(b); 11 C.F.R. §§ 104.3, 104.14(d).

<sup>15</sup> 52 U.S.C. § 30102(c)(5); 11 C.F.R. § 102.9(b)(1)-(2).

<sup>16</sup> 52 U.S.C. § 30104(b)(1)-(6); 11 C.F.R. § 104.3(a)-(b); *see also* Fed. Election Comm’n, Form 3X, *Report of Receipts and Disbursements for an Authorized Committee* (May 2016).

<sup>17</sup> 52 U.S.C. § 30102(b)(3); 11 C.F.R. § 102.15.

1 recognition that the action is prohibited by law.”<sup>18</sup> This does not require proving knowledge of  
2 the specific statute or regulation the respondent allegedly violated.<sup>19</sup> Rather, it is sufficient to  
3 demonstrate that a respondent “acted voluntarily and was aware that his conduct was  
4 unlawful.”<sup>20</sup> This awareness may be shown through circumstantial evidence, such as a  
5 “defendant’s elaborate scheme for disguising” his or her actions, or other “facts and  
6 circumstances from which the jury reasonably could infer [the defendant] knew the conduct was  
7 unauthorized and illegal.”<sup>21</sup>

8 It appears that Mensah Real Estate Property, LLC, and Stephen Cannon commingled  
9 Committee funds with their own. Neither Mensah Real Estate Property, LLC, nor Stephen  
10 Cannon responded to the notification of this referral. Although the Committee states that it has  
11 received reimbursements from Mensah Real Estate Property, LLC, it does not appear that the  
12 Committee has received reimbursement from Stephen Cannon for the remaining \$25,000.  
13 Accordingly, the Commission finds reason to believe that Mensah Real Estate Property, LLC,  
14 and Stephen Cannon knowingly and willfully violated 52 U.S.C. §§ 30102(b)(3) by  
15 commingling Committee funds with their own.

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<sup>18</sup> 122 Cong. Rec. H3778 (daily ed. May 3, 1976).

<sup>19</sup> See *United States v. Danielczyk*, 917 F. Supp. 2d 573, 579 (E.D. Va. 2013) (citing *Bryan v. United States*, 524 U.S. 184, 195 & n.23 (1998) (holding that, to establish that a violation is willful, the government needs to show only that the defendant acted with knowledge that her conduct was unlawful, not knowledge of the specific statutory provision violated)).

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

<sup>21</sup> *United States v. Hopkins*, 916 F.2d 207, 213-15 (5th Cir. 1990) (internal quotation marks omitted). As the *Hopkins* court noted, “It has long been recognized that ‘efforts at concealment [may] be reasonably explainable only in terms of motivation to evade’ lawful obligations.” *Id.* at 214 (quoting *Ingram v. United States*, 360 U.S. 672, 679 (1959)).