



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

May 6, 2021

Angela Fisher

St. Petersburg, FL 33716

RE: MUR 7901 (RR 18L-29)  
Angela Fisher

Dear Ms. Fisher:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission became aware of information suggesting that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On May 16, 2019, the Commission notified you of a referral to the Office of General Counsel alleging violations of the Act. On May 5, 2021, the Commission opened a matter under review (MUR) and found reason to believe that you violated 52 U.S.C. § 30102(b)(3), a provision of the Act, and 11 C.F.R. § 102.15 of the Commission's regulations by commingling campaign funds with personal funds. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is enclosed for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the Office of the General Counsel within 15 days of receipt of this notification. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. *See* 52 U.S.C. § 30109(a)(4).

Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

If you are interested in pursuing pre-probable cause conciliation, you should make such a request by letter to the Office of the General Counsel. *See* 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into in order to complete its investigation of

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the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after a brief on probable cause has been delivered to you. Requests for extensions of time are not routinely granted. Requests must be made in writing at least five days prior to the due date of the response and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days. Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available on the Commission's website at [http://www.fec.gov/em/respondent\\_guide.pdf](http://www.fec.gov/em/respondent_guide.pdf).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, telephone number, and email address of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.<sup>1</sup>

This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Justine A. di Giovanni, the attorney assigned to this matter, at (202) 694-1574 or [jdigiovanni@fec.gov](mailto:jdigiovanni@fec.gov).

On behalf of the Commission,



Shana M. Broussard  
Chair

Enclosures:  
Factual and Legal Analysis

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<sup>1</sup> The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

**FEDERAL ELECTION COMMISSION****FACTUAL AND LEGAL ANALYSIS****RESPONDENT:** Angela Fisher**MUR:** 7901**I. INTRODUCTION**

This matter was generated based on information ascertained by the Federal Election Commission (“Commission”) in the normal course of carrying out its supervisory responsibilities.<sup>1</sup>

The Reports Analysis Division (“RAD”) referred the Adam Kokesh American Referendum Project and Angela Thornton in her capacity as treasurer (the “Committee”) to the Office of General Counsel (“OGC”) for unauthorized activity totaling \$27,216.30 disclosed in its 2018 April Quarterly Report.<sup>2</sup> Specifically, the Committee reported that its receipts totaling \$11,551.04 and disbursements totaling \$15,665.26 were “unauthorized” or “undocumented.” In a memo included on this Report and in a Form 99 (Miscellaneous Electronic Submission) filed the same day, the Committee identified a number of violations allegedly committed by the Committee’s former treasurer, Ethan Owens, and its former Campaign Manager, Angela Fisher, who is also Owens’s wife.<sup>3</sup>

Based on the available information, the Commission finds reason to believe that Angela Fisher violated 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15 by commingling campaign funds with personal funds.

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<sup>1</sup> See 52 U.S.C. § 30109(a)(2).

<sup>2</sup> RR18L-29 at 2 (Adam Kokesh American Referendum Project).

<sup>3</sup> *Id.* at 2-4.

1 **II. FACTUAL BACKGROUND**

2 Adam Kokesh was a Libertarian Party candidate for President, and the Committee is his  
3 principal campaign committee. The Committee was organized in December 2017, with Ethan  
4 Owens as its treasurer and Owens's wife, Angela Fisher, as its Campaign Manager and the  
5 Committee's agent.<sup>4</sup> Its registered depository institution was a Fort Wayne, Indiana, branch of  
6 Wells Fargo Bank.<sup>5</sup>

7 Between December 1, 2017, and March 5, 2018, however, Owens and Fisher allegedly  
8 maintained the campaign's funds in multiple personal accounts rather than in the campaign's  
9 account at Wells Fargo.<sup>6</sup> Owens and Fisher made \$15,665.26 in disbursements to Fisher and  
10 campaign vendors, at least some potentially for legitimate campaign expenses and  
11 reimbursement thereof.<sup>7</sup> Fisher also made two loans to the Committee aggregating \$3,801.04,  
12 which the Committee alleged were "unauthorized."<sup>8</sup>

13 On or around March 5, 2018, the Committee terminated Owens and Fisher.<sup>9</sup>  
14 Nonetheless, Owens and Fisher continued to disburse campaign funds and access the accounts

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<sup>4</sup> FEC Form 1, Committee Statement of Organization (Dec. 1, 2017).

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

<sup>6</sup> FEC Form 99, Committee Miscellaneous Text at 1 (Apr. 10, 2018); RR18L-29 at 4.

<sup>7</sup> FEC Form 3P, Committee 2018 April Quarterly Report, sched. B-P at 33-58 (Apr. 22, 2018); RR18L-29, attach. 2 at 11-12. Though a number of the disbursements were made to Fisher, and could therefore represent conversion of campaign funds for personal use, there is no evidence to suggest that a violation of this kind occurred, and the Commission takes no action regarding such a violation at this time.

<sup>8</sup> FEC Form 3P, Committee 2018 April Quarterly Report (Apr. 22, 2018); RR18L-29 at 3. Though the Committee has alleged that the loan resulted in an excessive contribution by Fisher, it does not appear that the two loans would actually be excessive, as the loans could properly be allocated between Fisher's separate contribution limits for the primary race and the general election.

<sup>9</sup> FEC Form 1, Committee Amended Statement of Organization (Mar. 5, 2018).

1 they maintained on behalf of the campaign after their terminations.<sup>10</sup> On March 28, 2018, the  
2 Committee named Angela Thornton as its new treasurer and no longer listed Wells Fargo as its  
3 campaign depository.<sup>11</sup> Instead, on April 10, 2018, the Committee reported that it maintained an  
4 account with PNC Bank in Hartland, Michigan.<sup>12</sup>

5 The new treasurer, Thornton, attempted to obtain the necessary records regarding the  
6 campaign's receipts and disbursements from Owens and Fisher, but they refused to provide them  
7 to her.<sup>13</sup> According to Thornton, Owens and Fisher were unresponsive to requests for  
8 information from the Committee, and the little communication the Committee had with Fisher  
9 was "sporadic, incomplete and even hostile."<sup>14</sup>

10 On April 22, 2018, the Committee reported the alleged violations to the Commission in  
11 its April Quarterly Report and an associated Form 99, in which it disclosed what it referred to as  
12 "illegal contribution activity as well as some unauthorized expenditures" in the amount of  
13 \$27,216.30.<sup>15</sup> The Committee's Quarterly Report notes:

14 While this report is true and complete to the best of my ability, we are aware that  
15 the disclosure indicates some illegal contribution activity as well as some  
16 unauthorized expenditures. We are self-reporting all known violations, but  
17 [Owens] has not handed over any financial statements. The information herein is  
18 largely based on a spreadsheet provided by [Fisher], who also accessed our funds  
19 after [Owen's] resignation. We have reason to believe we are under-reporting  
20 expenditures. We know that co-mingling [sic] personal funds resulted in excess

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<sup>10</sup> FEC Form 3P, Committee 2018 April Quarterly Report at 8 (Apr. 22, 2018); FEC Form 99, Committee Miscellaneous Text at 1 (Apr. 10, 2018). On July 15, 2018, the Committee disclosed a \$4,226.36 "[c]ash-on-hand adjustment due to unauthorized disbursements." FEC Form 3P, Committee 2018 July Quarterly Report (July 15, 2018).

<sup>11</sup> FEC Form 1, Committee Amended Statement of Organization (Mar. 28, 2018).

<sup>12</sup> FEC Form 1, Committee Amended Statement of Organization (Apr. 10, 2018).

<sup>13</sup> FEC Form 99, Committee Miscellaneous Text (Apr. 22, 2018).

<sup>14</sup> *Id.*

<sup>15</sup> FEC Form 3P, Committee 2018 April Quarterly Report at 8 (Apr. 22, 2018); FEC Form 99, Committee Miscellaneous Text (Apr. 22, 2018); RR18L-29 at 2, 2 n.1.

1 contributions, a fictitious [sic] depository was listed, payments to vendors were  
2 made via cryptocurrency[.] Additionally, donations were made to, but not  
3 received by, the campaign. Unauthorized expenditures were made to the  
4 treasurer's wife. We are aware there are serious violations in the report, and  
5 anticipate that an amendment will be required in the future[.]<sup>16</sup>

6 The report did not disclose Fisher's loans to the Committee on the report's Schedule C-P,  
7 but rather on Schedule B-P with its itemized disbursements.<sup>17</sup>

### 8 **III. LEGAL ANALYSIS**

9 The Act and Commission regulations require that all campaign funds be "segregated  
10 from, and may not be commingled with, the personal funds of any individual."<sup>18</sup> As discussed  
11 above, Fisher appears to have used personal accounts as campaign depositories.<sup>19</sup> The  
12 Committee's filings and Response indicate that Fisher accepted \$11,551.04 in receipts to and  
13 made \$15,665.26 in disbursements from these personal accounts.<sup>20</sup> Thirty-two disbursements  
14 appear to have been made to Fisher from these accounts between January 4, 2018 and March 2,  
15 2018, while Fisher was still Campaign Manager, and for which the Committee has no  
16 documentation. The purported purposes for these disbursements were reimbursements to Fisher  
17 for expenditures such as travel expenses (*e.g.*, \$269.30 to "Mxn Eurocar,"), a \$162.96

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<sup>16</sup> FEC Form 3P, Committee 2018 April Quarterly Report (Apr. 22, 2018). Though the Committee describes payments made via cryptocurrency as a violation, payments made via cryptocurrency received as contributions have not been found to be impermissible so long as they are appropriately documented and the necessary records maintained. *See* Advisory Op. 2014-02 at 4 (Make Your Laws PAC, Inc.) ("The Commission could not approve a response by the required four affirmative votes as to whether [a PAC] may acquire goods and services with bitcoins it receives as contributions.").

<sup>17</sup> FEC Form 3P, Committee 2018 April Quarterly Report (Apr. 22, 2018).

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

<sup>19</sup> FEC Form 99, Committee Miscellaneous Text (Apr. 22, 2018).

<sup>20</sup> RR18L-29, attach. 2 at 5.

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1 “Fundraising Expense” at “Com Mexicano Restaurant,” and a \$51.83 purchase from “Capitol  
2 Liquor.”<sup>21</sup>

3 Under these circumstances, the Commission finds reason to believe that Fisher violated  
4 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15 by commingling campaign funds with personal  
5 funds.

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<sup>21</sup> FEC Form 3-P, Committee April Quarterly Report, sched. B-P (Apr. 22, 2018); RR18L-29, attach. 2 at 9-10.