

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7901
 Ethan Owens; Angela Fisher; Adam)
 Kokesh American Referendum Project)
 and Angela Thornton in her official)
 capacity as treasurer; Adam Kokesh;)
 Roger Ver)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on December 15, 2022, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to:
 - a. Find reason to believe that Adam Kokesh American Referendum Project and Angela Thornton in her official capacity as treasurer and Angela Fisher misreported the Committee's treasurer in violation of 52 U.S.C. § 30103(b), (c) and 11 C.F.R. § 102.2(a)(1), (2).
 - b. Take no further action as to the allegation that Ethan Owens misreported the Committee's treasurer in violation of 52 U.S.C. § 30103(b), (c) and 11 C.F.R. § 102.2(a)(1), (2).
 - c. Find reason to believe that Adam Kokesh American Referendum Project and Angela Thornton in her official capacity as treasurer violated 52 U.S.C. § 30102(h)(1) and 11 C.F.R. § 103.3 by failing to deposit receipts in an account at a properly designated campaign depository.
 - d. Take no further action as to the allegation that Ethan Owens and Angela Fisher violated 52 U.S.C. § 30102(h)(1) and 11 C.F.R. § 103.3 by failing to deposit receipts in an account at a properly designated campaign depository.

- e. Find reason to believe that Adam Kokesh American Referendum Project and Angela Thornton in her official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to file accurate reports concerning the Committee's receipts, disbursements, and loans.
- f. Take no further action as to the allegations that Ethan Owens and Angela Fisher violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to accurately report receipts, disbursements, and loans.
- g. Take no further action as to the allegations that Ethan Owens and Angela Fisher violated 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15 by commingling campaign funds with personal funds.
- h. Take no further action as to the allegations that Ethan Owens and Angela Fisher violated 52 U.S.C. § 30102(c), (d) and 11 C.F.R. § 102.9 by failing to keep and maintain adequate records.
- i. Find reason to believe that Roger Ver made, and Adam Kokesh and Adam Kokesh American Referendum Project and Angela Thornton in her official capacity as treasurer knowingly accepted, prohibited contributions in violation of 52 U.S.C. § 30121(a) and 11 C.F.R. § 110.20.
- j. Authorize pre-probable cause conciliation with Angela Fisher.
- k. Approve the Conciliation Agreement, as recommended in the Second General Counsel's Report dated November 29, 2022.
- l. Approve the Factual and Legal Analyses, as recommended in the Second General Counsel's Report dated November 29, 2022.
- m. Authorize the use of compulsory process with respect to Roger Ver, Adam Kokesh, and Adam Kokesh American Referendum Project and Angela Thornton in her official capacity as treasurer.
- n. Close the file as to Ethan Owens.
- o. Approve the appropriate letters.

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

2. Decided by a vote of 5-0 to:
 - a. Take no further action as to the allegation that Ethan Owens misrepresented the Committee's treasurer in violation of 52 U.S.C. § 30103(b), (c) and 11 C.F.R. § 102.2(a)(1), (2).
 - b. Take no further action as to the allegation that Ethan Owens and Angela Fisher violated 52 U.S.C. § 30102(h)(1) and 11 C.F.R. § 103.3 by failing to deposit receipts in an account at a properly designated campaign depository.
 - c. Take no further action as to the allegations that Ethan Owens and Angela Fisher violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to accurately report receipts, disbursements, and loans
 - d. Take no further action as to the allegations that Ethan Owens and Angela Fisher violated 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15 by commingling campaign funds with personal funds.
 - e. Take no further action as to the allegations that Ethan Owens and Angela Fisher violated 52 U.S.C. § 30102(c), (d) and 11 C.F.R. § 102.9 by failing to keep and maintain adequate records.

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

3. Failed by a vote of 3-3 to:
 - a. Dismiss the allegations pursuant to *Heckler v. Chaney* as an exercise of prosecutorial discretion that Adam Kokesh American Referendum Project and Angela Thornton in her official capacity as treasurer and Angela Fisher misrepresented the Committee's treasurer in violation of 52 U.S.C. § 30103(b), (c) and 11 C.F.R. § 102.2(a)(1), (2).
 - b. Dismiss the allegations pursuant to *Heckler v. Chaney* as an exercise of prosecutorial discretion that Adam Kokesh American Referendum Project and Angela Thornton in her official capacity as treasurer violated 52 U.S.C. § 30102(h)(1) and 11 C.F.R. § 103.3 by failing to deposit receipts in an account at a properly designated campaign depository.

- c. Dismiss the allegations pursuant to *Heckler v. Chaney* as an exercise of prosecutorial discretion that Adam Kokesh American Referendum Project and Angela Thornton in her official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to file accurate reports concerning the Committee's receipts, disbursements, and loans.

Commissioners Cooksey, Dickerson, and Trainor voted affirmatively for the motion.

Commissioners Broussard, Lindenbaum, and Weintraub dissented.

4. Failed by a vote of 3-3 to:

Find no reason to believe that Roger Ver made, and Adam Kokesh and Adam Kokesh American Referendum Project and Angela Thornton in her official capacity as treasurer knowingly accepted, prohibited contributions in violation of 52 U.S.C. § 30121(a) and 11 C.F.R. § 110.20.

Commissioners Cooksey, Dickerson, and Trainor voted affirmatively for the motion.

Commissioners Broussard, Lindenbaum, and Weintraub dissented.

5. Decided by a vote of 6-0 to:

- a. Close the file.
- b. Issue appropriate letters.

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



Attest:

Vicktoria J Allen

Digitally signed by Vicktoria J
Allen
Date: 2022.12.19 14:36:25
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Vicktoria J. Allen
Acting Deputy Secretary of the
Commission