

FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

MUR 7933

DATE COMPLAINT FILED: Oct. 19, 2021

DATE OF NOTIFICATIONS: Oct. 25, 2021

DATE OF LAST RESPONSE: Dec. 9, 2021

DATE ACTIVATED: Feb. 16, 2022

EXPIRATION OF SOL: May 19, 2026

ELECTION CYCLE: 2022

COMPLAINANTS:

End Citizens United
Tiffany Muller

RESPONDENTS:

Alek for Oregon and Chris Marston in his
official capacity as treasurer
Alek Skarlatos
15:17 Fund

RELEVANT STATUTES AND REGULATIONS:

52 U.S.C. § 30118
52 U.S.C. § 30125(e)(1)(A)
11 C.F.R. § 114.2
11 C.F.R. § 300.61

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. INTRODUCTION

The Complaint in this matter alleges that congressional candidate Alek Skarlatos, his principal campaign committee, Alek for Oregon and Chris Marston in his official capacity as treasurer (the “Committee”), and the 15:17 Fund, a corporation that Skarlatos founded, violated the Federal Election Campaign Act of 1971, as amended (the “Act”), when the 15:17 Fund purported to refund a donation it received from the Committee. The Complaint asserts that the refund was actually a prohibited corporate contribution that the 15:17 Fund made and Skarlatos and the Committee knowingly accepted. Further, the Complaint argues that the contribution was

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1 not comprised of federally permissible funds, and therefore Skarlatos and the 15:17 Fund
2 violated the prohibition on candidates and entities they establish, finance, maintain, or control
3 (“EFMC”) directing, transferring, spending, or disbursing funds that do not comply with the
4 prohibitions and limitations of the Act.

5 Respondents deny the allegations, contending that the payment from the 15:17 Fund to
6 the Committee was a refund, not a contribution, and that it was comprised of the same federally
7 permissible funds the Committee had donated to the 15:17 Fund. Further, Respondents argue
8 that the refund was made within a reasonable timeframe under circumstances similar to those
9 which the Commission has previously permitted.

10 Based on the available information, it appears likely that the 15:17 Fund’s payment to the
11 Committee should not be treated as a contribution, and that it may have been comprised of
12 federally permissible funds. Accordingly, we recommend that the Commission dismiss the
13 allegation that the 15:17 Fund made, and Skarlatos and the Committee knowingly accepted, a
14 prohibited corporate contribution in violation of 52 U.S.C. § 30118 and 11 C.F.R. § 114.2. We
15 further recommend that the Commission dismiss the allegation that Skarlatos and the 15:17 Fund
16 violated 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61 by directing, transferring, spending,
17 or disbursing funds that do not comply with the prohibitions of the Act.

18 **II. FACTUAL BACKGROUND**

19 Alek Skarlatos was a candidate in the 2020 general election for Oregon’s Fourth
20 Congressional District, and the Committee is his principal campaign committee.¹ On

¹ Ballotpedia, *Oregon’s 4th Congressional District Election, 2020*, https://ballotpedia.org/Oregon%27s_4th_Congressional_District_election,_2020 (last visited June 10, 2022); Alek for Oregon, Statement of Organization at 2 (Aug. 15, 2019); Alek for Oregon, Amended Statement of Organization at 2 (Jan. 25, 2022).

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1 December 11, 2020, after losing the election, Skarlatos founded the 15:17 Fund, a 501(c)(4)
 2 corporation that shares a treasurer with the Committee.² On February 12, 2021, the Committee
 3 made a \$93,000 donation to the 15:17 Trust, a registered trade name of the 15:17 Fund.³
 4 Approximately three months later, on May 3, 2021, Skarlatos announced that he would be
 5 seeking the Fourth District seat in the 2022 election cycle.⁴ The 15:17 Trust then made a
 6 payment of \$65,000 back to the Committee, which the Committee reported having received on
 7 May 19, 2021, and identified as a “return of charitable contribution.”⁵

8 There is limited public information available about the 15:17 Fund, its operations, and
 9 Skarlatos’s role with the organization. Several fundraising emails that Skarlatos sent after he
 10 was no longer a 2020 candidate state that he was the “Founder [of the] 15:17 Trust” and that the
 11 organization would be “dedicated to advocating on behalf of and supporting our veterans.”⁶
 12 Skarlatos has not disclosed any income from the 15:17 Fund or positions with that organization

² Compl. at 1-3 (Oct. 19, 2021) (discussing emails in which Skarlatos stated that he founded the 15:17 Fund).

³ Alek for Oregon, Amended 2021 April Quarterly Report at 8 (Sept. 2, 2021); State of Virginia, *State Corporation Commission Clerk’s Information System*, <https://cis.scc.virginia.gov/EntitySearch/Index> (last visited June 10, 2022) (“15:17 Fund Virginia Registration”) (search for “1517 Fund” in entity name field and on entity information page select “Name History”).

⁴ Compl. at 3 (citing KATU Staff, *Alek Skarlatos Announces Another Run for Congress in 2022*, KATU2 (May 4, 2021), <https://katu.com/news/local/alek-skarlatos-announces-another-run-for-congress-in-2022>).

⁵ *Id.* at 1-3; Alek for Oregon, Amended 2021 July 15 Quarterly Report at 190 (Sept. 2, 2021). The Committee reported the refund on Schedule B as a disbursement of -\$65,000, which would result in a mathematical error that could potentially affect the Committee’s cash-on-hand figures. *Id.*

⁶ Compl. at 2-3 n.6 (citing Email from Alek Skarlatos, Subject: Is This Acceptable to You (Mar. 25, 2021 15:39), <https://electionemails2020.org/email/fe8b83f9003b5c93a5035adae2f1afbc> (fundraising email stating Skarlatos’s title and identifying the organization as a 501(c)(4)); Email from Alek Skarlatos, Subject: Help Me Help Veterans (Mar. 2, 2021 18:40), <https://electionemails2020.org/email/c5e3cd7f4b2f5ff28e48873bab50dd55> (Skarlatos stating he is “proud to announce that I am officially launching the 15:17 Trust”)).

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1 in the financial disclosure reports he has filed in connection with his 2022 campaign.⁷ In press
 2 coverage of the purported refund, Skarlatos's campaign reportedly "would not say" whether he
 3 currently held a role with the 15:17 Fund, but an article quoted his campaign manager as stating
 4 that Skarlatos "was never paid a dollar."⁸

5 The IRS has a record of the "15-17 Fund," which appears to be the same organization,
 6 but that record reveals no information on individuals associated with the 15-17 Fund, and the
 7 only financial information the record includes is that the 15-17 Fund had gross receipts less than
 8 \$50,000 in 2020.⁹ The 15:17 Fund is also registered with the State of Virginia Corporation
 9 Commission, but the publicly available information does not provide any insight into the 15:17
 10 Fund's finances, lists no officers or members other than the treasurer it shares with the
 11 Committee — Chris Marston — and indicates that its status is inactive.¹⁰

⁷ Alek Skarlatos, Financial Disclosure Report (Sept. 28, 2021), https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2021/10043812.pdf; Alek Skarlatos, Financial Disclosure Report (Apr. 15, 2022), https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2022/10046197.pdf. A wide range of positions are reportable, whether or not they are compensated, but candidates are not required to report positions "[o]f an honorary nature," among other categories. U.S. House of Representatives Committee on Ethics, *Instruction Guide, Financial Disclosure Statements and Periodic Transaction Reports, Calendar Year 2021* at 33-34, <https://ethics.house.gov/sites/ethics.house.gov/files/documents/FINAL%202021%20FD%20Instructions.pdf> (last visited June 10, 2022).

⁸ Brian Slodysko, *Once a Hero, Oregon Congressional Candidate Alek Skarlatos Funds Questioned*, ASSOC. PRESS (Oct. 2, 2021), <https://www.registerguard.com/story/news/2021/10/02/oregon-congressional-candidate-alek-skarlatos-funds-questioned/5972138001/>.

⁹ IRS, *15-17 Fund*, <https://apps.irs.gov/app/eos/detailsPage?ein=854149445&name=15-17%20FUND&city=Alexandria&state=VA&countryAbbr=US&dba=%20&type=EPOSTCARD&orgTags=EPOSTCARD> (last visited June 10, 2022) (showing same address for entity registered in Virginia as 15:17 Fund); 15:17 Fund Virginia Registration (showing address in "Principal Office Address" section).

¹⁰ 15:17 Fund Virginia Registration (stating the reason for inactive status as "Automatically Terminated – Annual Report – Can Reinstate"). The treasurer information is accessible by selecting "Filing History" and clicking on the magnifying glass icon for the February 12, 2021, Fictitious Name Certificate. *Id.*

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1 The 15:17 Fund does not appear to have an active website beyond hosting a survey on
 2 veterans issues.¹¹ The archived version of its homepage (under its registered trade name, 15:17
 3 Trust) offers little information beyond stating that the group is “committed to finding solutions to
 4 and raising awareness of the issues veterans nationwide and in Oregon face today” and
 5 displaying a “Donate” button to make contributions.¹² The 15:17 Fund’s Facebook, Twitter, and
 6 Instagram pages (also under the name 15:17 Trust) appear to be largely inactive.¹³

7 The Complaint alleges that the \$65,000 purported refund to the Committee violated the
 8 Act and the Commission’s regulations in two ways. First, it asserts that the payment was a
 9 prohibited corporate contribution because it was not made under the same circumstances
 10 previously permitted by the Commission for making such refunds — namely, the 15:17 Fund’s
 11 refund occurred too long after the initial donation; the Committee’s funds were likely comingled
 12 with non-federal funds; and it does not appear that the 15:17 Fund materially altered its activities
 13 in a way that impacted the Committee and would necessitate a refund.¹⁴ Second, the Complaint
 14 alleges that Skarlatos’s role as the founder and “public face” of the 15:17 Fund, the movement of
 15 funds between the entities, and the overlapping staff between the Committee and the 15:17 Fund

¹¹ 15:17 Trust, *Veterans’ Issues Survey*, https://landing.1517trust.com/issues-survey/?iter=ca1d4a63-3ed7-445b-b4bb-a78a98dedad1&utm_source=email&utm_campaign=issues_survey&utm_medium=hf&mid=2243119&sid=ite&bundlerid=&cat=&anedot=https://secure.anedot.com/15-17-trust/c7c3a8a12f0c7361a674f/ (last visited June 10, 2022).

¹² 15:17 Trust, <https://www.1517trust.com> [<https://web.archive.org/web/20210426161020/https://www.1517trust.com/>].

¹³ See 15:17 Trust, INSTAGRAM, <https://www.instagram.com/1517trust/> (last visited June 10, 2022) (showing the account has made no posts and has a single follower); 15:17 Trust, FACEBOOK, https://www.facebook.com/1517trust/?ref=page_internal (last visited May 10, 2022) (showing the account made a single post, dated April 26, 2021, and has 15 followers); 15:17 Trust (@1517trust), TWITTER, <https://twitter.com/1517trust> (last visited June 10, 2022) (showing the account has made a single post, dated April 26, 2021, follows no other accounts, and has no followers).

¹⁴ Compl. at 4-7.

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1 all indicate Skarlatos EFMC'd the 15:17 Fund.¹⁵ As a result, the Complaint argues that by
 2 making the contribution Skarlatos and the 15:17 Fund also violated the prohibition in the Act and
 3 the Commission's regulations on candidates and entities they EFMC directing, transferring,
 4 spending, or disbursing funds in connection with a federal election that do not comply with the
 5 prohibitions of the Act.¹⁶

6 Respondents assert that the Committee requested a refund because the 15:17 Fund had
 7 “done very little with the funds the Committee transferred” by the time that Skarlatos decided he
 8 would run again in 2022.¹⁷ They contend that the refund was therefore due to changed
 9 circumstances, which they argue the Commission has allowed as the basis for a refund in past
 10 advisory opinions.¹⁸ They further contend that the refund was made within an appropriate period
 11 of time and that the funds were all federally permissible.¹⁹ Respondents state that, in the time
 12 the 15:17 Fund had the donation, it raised \$1,855 from individuals, all of which complied with
 13 the Act’s source and limitation requirements, and spent \$14,760, “mostly on fundraising.”²⁰ As
 14 a result, they argue that, at the time of the refund, all of the money in the 15:17 Fund’s account
 15 was federally permissible and the refund was “on a first in first out basis, comprised entirely of
 16 the very same [federally compliant] funds that were donated in the first instance.”²¹ The

¹⁵ *Id.* at 7.

¹⁶ *Id.*; see 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. § 300.61.

¹⁷ Committee, Skarlatos, and 15:17 Fund Resp. at 2 (Dec. 9, 2021) (“Resp.”).

¹⁸ *Id.* (citing Advisory Opinion 2010-28 (Indiana Democratic Congressional Victory Committee, *et al.*), Advisory Opinion 2002-08 (Vitter), and Advisory Opinion 1995-43 (Packwood)).

¹⁹ *Id.* at 2-3.

²⁰ *Id.*

²¹ *Id.*

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1 Response does not analyze the allegation that Skarlatos EFMC'd the 15:17 Fund, but it does
 2 assert that he “had no governing or paid role” with the 15:17 Fund when the Committee made its
 3 donation.²²

4 **III. LEGAL ANALYSIS**

5 Corporations are prohibited from making contributions to federal candidates, and the Act
 6 likewise bars candidates and their authorized committees from knowingly accepting or receiving
 7 corporate contributions.²³ In addition, the Act and Commission regulations prohibit federal
 8 candidates and entities directly or indirectly established, financed, maintained, or controlled by
 9 or acting on behalf of federal candidates, from receiving, directing, transferring, spending, or
 10 disbursing funds in connection with a federal election “unless the funds are subject to the
 11 limitations, prohibitions, and reporting requirements” of the Act.²⁴

12 The Commission determines whether a candidate has EFMC'd an entity by considering a
 13 non-exclusive list of factors set out in the Commission's regulations in the context of the overall
 14 relationship between the candidate and the entity.²⁵ The factors include whether the candidate
 15 “had an active or significant role in the formation of the entity,” has “the authority or ability to
 16 hire appoint, demote, or otherwise control the officers, or other decision-making employees or
 17 members of the entity,” provides the entity with “funds or goods in a significant amount or on an

²² *Id.* at 2.

²³ 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2(b), (d).

²⁴ 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. §§ 300.60, 300.61.

²⁵ 11 C.F.R. § 300.2(c)(2) (listing factors).

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1 ongoing basis," or if there are "common or overlapping officers or employees with the entity that
 2 indicates a formal or ongoing relationship."²⁶

3 **A. The Commission Should Dismiss the Allegation that the 15:17 Fund Made,
 4 and the Committee and Skarlatos Knowingly Accepted, a Corporate
 5 Contribution**

6 As a corporation, the 15:17 Fund was not permitted to make a contribution to a federal
 7 candidate's committee, and the Committee could not accept such a contribution.²⁷ Neither the
 8 Act nor Commission regulations set out criteria to distinguish a contribution from a permissible
 9 refund under the circumstances presented here.²⁸ However, the Commission has issued advisory
 10 opinions in analogous situations involving the return of funds to a political committee, and a
 11 similar analysis on these facts indicates that the 15:17 Fund's payment to the Committee was
 12 likely a permissible refund.

13 Although the Commission has not set out a formal analysis for this type of transaction, it
 14 has looked to the timing and justification of the purported refund, as well as whether the funds
 15 are federally permissible. In Advisory Opinion 2010-28 (Indiana Democratic Congressional
 16 Victory Committee, *et al.*) ("AO 2010-28"), a candidate's principal campaign committee
 17 transferred \$34,600 to the federal account of a state committee of a political party to "engage in
 18 general party projects on behalf of its candidates in connection with the 2010 general election."²⁹
 19 However, the state committee did not engage in those activities, and the federal committee then

²⁶ *Id.* § 300.2(c)(2)(i)-(x).

²⁷ 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2(b), (d).

²⁸ See Advisory Opinion 2010-28 at 2 (Indiana Democratic Congressional Victory Committee, *et al.*) ("AO 2010-28") (stating in response to a question about a refund from a state committee of a political party to a federal committee that "[a]lthough the Act and Commission regulations provide for the refund of contributions, they do not address the specific question presented here").

²⁹ *Id.* at 1.

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1 sought a refund of the full amount so that it could use the funds in the candidate's general
 2 election campaign.³⁰ The Commission's opinion noted that there was no indication that the
 3 funds were comingled with non-federal funds; the state committee's failure to undertake the
 4 expected activities resulted in "materially altered" circumstances; and the transfer to the state
 5 committee had occurred "just weeks" before the submission of the advisory opinion request,
 6 which "supports a determination that this is a refund rather than a contribution."³¹

7 In Advisory Opinion 2002-08 (Vitter) ("AO 2002-08"), a candidate's federal committee
 8 had transferred just over \$700,000 to his state exploratory committee and represented that the
 9 funds were held, unspent, in a separate account, and were not comingled with nonfederal funds
 10 or used as security or collateral for a loan or line of credit.³² The candidate decided not to seek
 11 state office and, approximately three months after making the first deposit with the state
 12 committee, he sought an advisory opinion from the Commission in order to have the full amount
 13 refunded to his federal committee.³³ The Commission determined that, because the available
 14 information indicated the money "effectively remained Federal funds at all times," it could be
 15 redeposited into the candidate's federal account.³⁴

³⁰ *Id.* at 1-2.

³¹ *Id.* at 3. The Commission advised that the funds could be refunded in whole or in part within ten days of receiving the advisory opinion, which would have been just under two months from the original transfer date. *See id.* at 1, 3 (showing initial transfer was made on September 14, 2010, and the advisory opinion was issued on October 27, 2010).

³² AO 2002-08 at 1-2 (Vitter).

³³ *Id.* (showing that the first deposit was made in March 2002 and the opinion was requested in June 2002).

³⁴ *Id.* at 2-3. The Commission considered whether to apply 11 C.F.R. § 110.3(d), which bars transfers of funds from a candidate's account for a non-federal election to an authorized committee for the candidate's federal campaign but determined that the facts were "not the type of situation to which the regulations 11 CFR 110.3(d) were intended to apply." *Id.* at 2. The Commission advised that the refund deposit should be made within ten days of receiving the advisory opinion, which would have been just under five months since the first transfer to the state

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1 Based on the available record, the circumstances in this matter do not differ meaningfully
2 from those considered by the Commission in AOs 2010-28 and 2002-08. The 15:17 Fund
3 apparently did not engage in the expected activities during the three months that it had the
4 Committee's \$93,000 donation. Without specifying what it had expected the 15:17 Fund to do
5 with its donation, the Committee represents that the 15:17 Fund had "done very little" with the
6 funds by the time Skarlatos decided to run again.³⁵ The 15:17 Fund's lack of activity on its
7 social media platforms appears to support the Committee's assessment, and even the Complaint
8 recognizes that the 15:17 Fund does not appear to have engaged in "any activities other than
9 fundraising,"³⁶ through which it apparently raised only \$1,855 during that time.³⁷ Therefore, the
10 circumstances appear to have been materially altered in a manner similar to those in AOs 2010-
11 28 and 2002-08.

12 Additionally, Respondents have represented that the Committee's donation was not
13 comingled with funds that were not federally permissible because the 15:17 Fund had no such
14 funds in its account when it made the purported refund.³⁸ According to the Response, the 15:17
15 Fund had raised only \$1,855, all in federally permissible funds, during the time it had the
16 Committee's donation.³⁹ Finally, the Committee received the refund within a reasonable time
17 frame — approximately three months after the donation was made, which was a slightly longer

committee. *Id.* at 1 (showing date of advisory opinion as August 1, 2002); David Vitter for Congress, 2002 April Quarterly Report at 23 (Apr. 15, 2002) (showing date of initial transfer to state committee as March 20, 2002).

³⁵ Resp. at 2.

³⁶ Compl. at 3.

³⁷ Resp. at 2. The 15:17 Fund contends that it spent only \$14,760, mostly for fundraising, while it had the Committee's donation. *Id.*

³⁸ *Id.* at 3.

³⁹ *Id.* at 2-3.

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1 time period than the Commission approved in AO 2010-28 (*i.e.*, approximately two months), but

2 less time than the transactions at issue in AO 2002-08 (*i.e.*, approximately five months).⁴⁰

3 Without information to indicate the contrary, it appears that the \$65,000 payment from

4 the 15:17 Fund to the Committee was likely a *bona fide* refund. Accordingly, we recommend

5 that the Commission dismiss the allegation that the 15:17 Fund made, and Skarlatos and the

6 Committee knowingly accepted, a prohibited corporate contribution in violation of 52 U.S.C.

7 § 30118 and 11 C.F.R. § 114.2.⁴¹

8 **B. The Commission Should Dismiss the Allegation that Skarlatos and the 15:17**
 9 **Fund Impermissibly Directed, Transferred, Spent, or Disbursed Soft Money**

10 The Complaint also alleges that the purported refund contained funds that were not

11 federally permissible (*i.e.*, soft money), and that Skarlatos and the entity he EFMC'd, the 15:17

12 Fund, were therefore barred from directing, transferring, spending, or disbursing them in

13 connection with a federal election.⁴² The available information, however, suggests the funds

14 were likely not soft money.

⁴⁰ *Supra* notes 31, 34. The 15:17 Fund's partial refund is also not at odds with the Commission's guidance, as the Commission in AO 2010-28 expressly approved of partial refunds. AO 2010-28 at 2.

⁴¹ See Factual & Legal Analysis at 10-11, MUR 5896 (Americans for Legal Immigration PAC – 2006, *et al.*) (finding, in a decision pre-dating *Citizens United v. FEC*, no reason to believe that a non-connected political committee received a prohibited corporate contribution when it made a donation to the Salvation Army, a 501(c)(3) corporation, and received the same amount back from the Salvation Army the following month as a purported refund). The Complaint does not allege violations arising from the Committee's donation to the 15:17 Fund. The Commission's regulations expressly permit certain non-campaign uses of campaign funds, including contributions "to any organization described in section 170(c) of Title 26, of the United States Code," but this does not appear to apply to a 501(c)(4) organization like the 15:17 Fund. 11 C.F.R. § 113.2(b); see 26 U.S.C. § 170(c) (describing qualifying organizations). However, the Commission's regulations also permit campaign funds to be used for "any other lawful purpose, unless such use is personal use." 11 C.F.R. § 113.2(e). The Commission previously advised that the "any other lawful purpose" provision may cover charitable donations to organizations outside of section 170(c) so long as they "did not involve conferring a personal benefit on the former candidate." AO 1993-10 at 3 (Colorado) (discussing request to donate excess funds to a charitable foundation that is not subject to U.S. tax laws). There is no information in the current record that the 15:17 Fund was intended to personally benefit Skarlatos.

⁴² Compl. at 7.

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1 The Response indicates that, after receiving \$93,000 from the Committee, the 15:17 Fund
 2 spent \$14,760,⁴³ which would have left it with \$78,240 of the initial amount. This was more
 3 than sufficient to cover the \$65,000 refund, and Respondents have represented that, on a first-in-
 4 first-out basis, the refund was comprised of the same funds the Committee had donated to the
 5 15:17 Fund.⁴⁴ As discussed above, Respondents also state that the only money the 15:17 Fund
 6 had raised consisted of \$1,855 in federally permissible funds.⁴⁵ There are neither financial
 7 records to verify these contentions, nor publicly available information to contradict them.

8 Accordingly, because there is no available information to support the assertions in the
 9 Complaint that the refund was comprised of soft money, there is no need to consider whether
 10 Skarlatos EFMC'd the 15:17 Fund, and we recommend that the Commission dismiss the
 11 allegations that Skarlatos and the 15:17 Fund violated 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R.
 12 § 300.61 by directing, transferring, spending, or disbursing funds that do not comply with the
 13 prohibitions of the Act.

14 **IV. RECOMMENDATIONS**

- 16 1. Dismiss the allegation that the 15:17 Fund violated 52 U.S.C. § 30118(a) and
 17 11 C.F.R. § 114.2(b) by making a prohibited corporate contribution;
- 18 2. Dismiss the allegation that Alek Skarlatos and Alek for Oregon and Chris
 19 Marston in his official capacity as treasurer violated 52 U.S.C. § 30118(a) and
 20 11 C.F.R. § 114.2(d) by knowingly accepting a prohibited corporate contribution;
- 21 3. Dismiss the allegation that Alek Skarlatos and the 15:17 Fund violated 52 U.S.C.
 22 § 30125(e)(1)(A) and 11 C.F.R. § 300.61 by directing, transferring, spending, or
 23 disbursing funds that do not comply with the prohibitions of the Act;

⁴³ Resp. at 2.

⁴⁴ *Id.*; see AO 1996-52 at 2 (Andrews) (stating that it is the Commission's "general practice" to "treat[] the funds in a committee's account at any particular time as consisting of the funds most recently received" and that therefore disbursements "first deplete the funds that have been in the committee's account the longest").

⁴⁵ Resp. at 3.

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4. Approve the attached Factual and Legal Analysis;
5. Approve the appropriate letters; and
6. Close the file.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel for Enforcement

6/14/2022

Date

Claudio J. Pavia
Deputy Associate General Counsel for Enforcement

Ana J. Pena-Wallace

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