

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7938
 Greitens for US Senate and Eric Greitens)
 in his official capacity as treasurer; Eric)
 R. Greitens; Greitens for Missouri; Dylan)
 Johnson; Octavian Group, LLC)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on July 13, 2023, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-4 to:
 - a. Find no reason to believe that Greitens for US Senate and Eric Greitens in his official capacity as treasurer, Greitens for Missouri, Eric R. Greitens, and Dylan Johnson violated 52 U.S.C. § 30125 and 11 C.F.R. § 110.3(d) by using State Committee funds to pay for federal testing-the-waters expenses with respect to the disbursements identified in the Complaint other than those to the Octavian Group, LLC.
 - b. Find no reason to believe that Greitens for US Senate and Eric Greitens in his official capacity as treasurer violated 52 U.S.C. § 30104(b) by failing to report federal testing-the-waters expenses with respect to the disbursements identified in the Complaint other than those to the Octavian Group, LLC.
 - c. Exercise its prosecutorial discretion and dismiss the allegations that Greitens for US Senate and Eric Greitens in his official capacity as treasurer, Greitens for Missouri, Eric R. Greitens, Dylan Johnson, and the Octavian Group, LLC violated 52 U.S.C. § 30125 and 11 C.F.R. § 110.3(d) by using State Committee funds to pay for federal testing-the-waters expenses with respect to the disbursements to the Octavian Group, LLC.
 - d. Exercise its prosecutorial discretion and dismiss the allegations that Greitens for US Senate and Eric Greitens in his official capacity as treasurer violated 52 U.S.C. § 30104(b) by failing to report federal testing-the-waters expenses with respect to the disbursements to the Octavian Group, LLC.

- e. Find reason to believe that Eric R. Greitens, Greitens for US Senate and Eric Greitens in his official capacity as treasurer, and Greitens for Missouri violated 52 U.S.C. § 30125(e) and 11 C.F.R. § 110.3(d) by transferring the Greitens Website from Greitens for Missouri to Greitens for US Senate without paying fair market value.
- f. Find reason to believe that Greitens for US Senate and Eric Greitens in his official capacity as treasurer violated 52 U.S.C. § 30104(b) by misreporting the transfer of the Greitens Website as an in-kind contribution from Greitens in disclosure reports filed with the Commission.
- g. Take no action at this time regarding the allegations that the Greitens for US Senate and Eric Greitens in his official capacity as treasurer, Eric Greitens, and Greitens for Missouri violated 52 U.S.C. § 30122 by making, allowing, and knowingly accepting a contribution in the name of another related to the transfer of the Greitens Website.
- h. Approve the attached Factual and Legal Analyses, as recommended in the First General Counsel's Report dated June 15, 2023.
- i. Authorize conciliation prior to a finding of probable cause with Greitens for US Senate and Eric Greitens in his official capacity as treasurer, Greitens for Missouri, and Eric R. Greitens, as recommended in the First General Counsel's Report dated June 15, 2023.
- j. Approve the Conciliation Agreement, as recommended in the First General Counsel's Report dated June 15, 2023.
- k. Approve the appropriate letters.

Commissioners Broussard and Weintraub voted affirmatively for the motion.

Commissioners Cooksey, Dickerson, Lindenbaum, and Trainor dissented.

2. Decided by a vote of 4-2 to:

- a. Find no reason to believe that Greitens for US Senate and Eric Greitens in his official capacity as treasurer, Greitens for Missouri, Eric R. Greitens, and Dylan Johnson violated 52 U.S.C. § 30125 and 11 C.F.R. § 110.3(d) by using State Committee funds to pay for federal testing-the-waters expenses with respect to the disbursements identified in the Complaint other than those to the Octavian Group, LLC.
- b. Find no reason to believe that Greitens for US Senate and Eric Greitens in his official capacity as treasurer violated 52 U.S.C. § 30104(b) by failing to report federal testing-the-waters expenses with respect to the disbursements identified in the Complaint other than those to the Octavian Group, LLC.

- c. Exercise its prosecutorial discretion and dismiss the allegations that Greitens for US Senate and Eric Greitens in his official capacity as treasurer, Greitens for Missouri, Eric R. Greitens, Dylan Johnson, and the Octavian Group, LLC violated 52 U.S.C. § 30125 and 11 C.F.R. § 110.3(d) by using State Committee funds to pay for federal testing-the-waters expenses with respect to the disbursements to the Octavian Group, LLC.
- d. Exercise its prosecutorial discretion and dismiss the allegations that Greitens for US Senate and Eric Greitens in his official capacity as treasurer violated 52 U.S.C. § 30104(b) by failing to report federal testing-the-waters expenses with respect to the disbursements to the Octavian Group, LLC.
- e. Find no reason to believe that Eric R. Greitens, Greitens for US Senate and Eric Greitens in his official capacity as treasurer, and Greitens for Missouri violated 52 U.S.C. § 30125(e) and 11 C.F.R. § 110.3(d) by transferring the Greitens Website from Greitens for Missouri to Greitens for US Senate without paying fair market value.
- f. Find no reason to believe that Greitens for US Senate and Eric Greitens in his official capacity as treasurer violated 52 U.S.C. § 30104(b) by misreporting the transfer of the Greitens Website as an in-kind contribution from Greitens in disclosure reports filed with the Commission.
- g. Find no reason to believe that Greitens for US Senate and Eric Greitens in his official capacity as treasurer, Eric Greitens, and Greitens for Missouri violated 52 U.S.C. § 30122 by making, allowing, and knowingly accepting a contribution in the name of another related to the transfer of the Greitens Website.
- h. Close the file.
- i. Issue the appropriate letters.

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

Federal Election Commission
Certification for MUR 7938
July 13, 2023

Page 4

Attest:



July 14, 2023

Date

Vicktoria J
Allen

Digitally signed by
Vicktoria J Allen
Date: 2023.07.14 11:33:21
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Vicktoria J. Allen
Deputy Secretary of the Commission