



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**Via Electronic Mail Only**  
[fec@capcompliance.com](mailto:fec@capcompliance.com)

July 1, 2021

Henry Fernandez, Treasurer  
Indiana Democratic Congressional Victory Committee  
101 W Washington St, Ste 1110E  
Indianapolis, IN 46204

RE: RR 21L-42

Dear Mr. Fernandez:

The Federal Election Commission (“Commission”), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating Indiana Democratic Congressional Victory Committee and you in your official capacity as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the “Act”). The matter has been referred by the Reports Analysis Division to the Commission’s Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109.<sup>1</sup> Specifically, the Committee has been referred for amending its 2020 12-Day Pre-General Report to disclose additional disbursements of \$315,342.85 and for amending its 2020 30-Day Post-General Report to disclose additional disbursements of \$733,058.45. We have numbered this referral RR 21L-42.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against Indiana Democratic Congressional Victory Committee and you in your official capacity as treasurer. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission’s consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel’s Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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. 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>2</sup>

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and

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<sup>1</sup> Notification of this referral is being provided to you pursuant to the Commission’s Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters, as published in the Federal Register on August 4, 2009 (74 Fed. Reg. 38,617).

<sup>2</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).

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authorizing such counsel to receive any notifications and other communications from the Commission. Please note that you have a legal obligation to preserve all documents, records, and materials relating to the subject matter of the complaint until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to **one** of the following (note, if submitting via email this Office will provide an electronic receipt by email):

<b><u>Mail</u></b>	OR	<b><u>Email</u></b>
Federal Election Commission Office of Complaints Examination & Legal Administration Attn: Christal Dennis, Paralegal 1050 First Street, NE Washington, DC 20463		cela@fec.gov

As indicated in the FEC's Notice found at [https://www.fec.gov/resources/cms-content/documents/website\\_notice\\_regarding\\_status\\_of\\_fec\\_operations\\_8-10-2020.pdf](https://www.fec.gov/resources/cms-content/documents/website_notice_regarding_status_of_fec_operations_8-10-2020.pdf), the office's mailroom is open on a limited basis and, therefore, processing correspondence may be delayed. Accordingly, we strongly encourage you to file responses and additional correspondence via email.

If you have any questions, please contact Christal Dennis at (202) 694-1519. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Handwritten signature of Charles Kitcher in cursive, with the initials 'KP' written below the name.

Charles K. Kitcher  
Acting Associate General Counsel  
Enforcement