

FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL'S REPORT

MUR 7993

DATES RECEIVED: Apr. 28, 2022; May 6, 2022

DATES OF NOTIFICATION: May 3, 2022;

Aug. 12, 2022

DATE OF LAST RESPONSE: May 18, 2022

DATE ACTIVATED: Oct. 21, 2022

EXPIRATION OF SOL: June 13, 2024-

July 15, 2024

ELECTION CYCLES: 2020, 2022

COMPLAINANT: Frank Smith

RESPONDENTS: Carlos Joly a/k/a Carlos Federico Joly
Canning for Congress and Jennifer May in her
official capacity as treasurer
Canning for Congress and Shawnda Deane in her
official capacity as treasurer (terminated)

RELEVANT STATUTES AND REGULATIONS:

52 U.S.C. § 30104(b)(3)(A)
52 U.S.C. § 30121
11 C.F.R. § 100.12
11 C.F.R. § 104.3(a)(4)
11 C.F.R. § 104.8
11 C.F.R. § 110.20

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. INTRODUCTION

36 The Complaint alleges that Canning for Congress and Shawnda Deane in her official
37 capacity as treasurer (“terminated Committee”)¹ accepted a prohibited contribution from a
38 Brazilian national, Carlos A. Joly, in the amount of \$2,600 during the 2020 election cycle in
39 violation of the Federal Election Campaign Act of 1971, as amended, (the “Act”) and that the

¹ Canning for Congress, Termination Report (July 14, 2020); Canning for Congress, Termination Approval Letter (July 16, 2020).

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1 contribution has yet to be refunded. The Complaint further alleges that information regarding
2 Joly's residence and employment reflected in the terminated Committee's July 2019 Quarterly
3 Report appears to be "false."²

4 Canning was a federal candidate in 2020 and 2022. The terminated Committee;
5 Canning's active committee, Canning for Congress and Jennifer May in her official capacity as
6 treasurer (the "2022 Committee"); and Joly filed Responses denying the allegations that Joly
7 made, or the Committees accepted, a foreign national contribution. Both Committees and Joly
8 filed responses stating that Joly is a U.S. citizen and providing information from Joly's U.S.
9 passport. The Committees' Responses do not address the reporting allegation.

10 Given that the Respondents have provided credible information that Joly is, and was at the
11 time the contribution was made, a U.S. citizen, we recommend that the Commission find no
12 reason to believe that Respondents violated 52 U.S.C. § 30121(a) by making and accepting a
13 prohibited foreign national contribution and close the file. We further recommend that the
14 Commission find no reason to believe that the terminated Committee violated 52 U.S.C.
15 § 30104(a)(4) and 11 C.F.R. §§ 104.3(a)(4) and 104.8 by inaccurately disclosing Joly's
16 contributor identification information.

17 **II. FACTUAL BACKGROUND**

18 In 2020, Doyle Canning was a U.S. House candidate for Oregon's 4th Congressional
19 District and her principal campaign committee was Canning for Congress and Shawnda Deane in
20 her official capacity as treasurer.³ On May 19, 2020, Canning lost the Democratic primary
21 election for that seat, and on July 16, 2020, the Commission approved the Committee's request to

² Compl. at 1 (Apr. 28, 2022).

³ Doyle Canning, Statement of Candidacy at 1 (May 22, 2019); Canning for Congress (terminated Committee), Amended Statement of Organization at 2 (Sept. 30, 2019).

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1 terminate.⁴ In 2022, Canning ran a second time for the U.S. House seat in Oregon's 4th
 2 Congressional District, and her principal campaign committee was Canning for Congress and
 3 Jennifer May in her official capacity as treasurer.⁵ On May 17, 2022, Canning lost the
 4 Democratic primary election for that seat.⁶ Canning's 2022 Committee remains active.

5 The Complaint alleges that on June 13, 2019, Carlos A. Joly, a Brazilian national, made a
 6 \$2,600 contribution to the terminated Committee.⁷ According to the Complaint, Joly falsely
 7 claimed to be a resident of Burlington, Vermont, and the street address listed on the relevant
 8 disclosure report, 25 Cherry St., was actually a Marriott hotel.⁸ The Complaint also alleges that
 9 Joly falsely claimed to be unemployed when he had been a tenured professor at the University of
 10 Campinas, in São Paulo state in Brazil since 1998, and that he also taught at Cambridge
 11 University in Great Britain.⁹ The Complaint provides a copy of online biographies for "Carlos
 12 Joly" purporting to show his employment.¹⁰ The Complaint further alleges that Canning's 2022
 13 Committee has not refunded Joly's contribution.¹¹

⁴ OREGON SEC'Y OF STATE, MAY 19, 2020, PRIMARY ELECTION ABSTRACT OF VOTES at 9 (2020), <https://sos.oregon.gov/elections/Documents/results/may-primary-2020.pdf>; Canning for Congress (terminated Committee), Termination Approval Letter (July 16, 2020); *see also supra* note 1.

⁵ Doyle Canning, Statement of Candidacy at 1 (Feb. 3, 2022); Canning for Congress (2022 Committee), Statement of Organization at 2 (Feb. 3, 2022).

⁶ OREGON SEC'Y OF STATE, MAY 17, 2022, PRIMARY ELECTION ABSTRACT OF VOTES at 7 (2022), <https://sos.oregon.gov/elections/Documents/results/may-primary-2022.pdf>.

⁷ Compl. at 1.

⁸ *Id.*; *see also* Canning for Congress (terminated Committee), 2019 July Quarterly Report at 35 (July 15, 2019); Canning for Congress (terminated Committee), Amended 2019 July Quarterly Report at 36 (Oct. 14, 2019).

⁹ Compl. at 1; Canning for Congress (terminated Committee), 2019 July Quarterly Report at 35 (July 15, 2019); Canning for Congress (terminated Committee), Amended 2019 July Quarterly Report at 36 (Oct. 14, 2019). Both the original and amended reports indicate Joly's occupation as "unemployed."

¹⁰ Compl. at 2. The Complaint contains links to the web pages for the online biographies, which include photographs that appear to be for two different individuals, as follows: *compare Speakers: Carlos Joly, SÃO PAULO SCH. OF ADVANCED SCI. ON SCENARIOS & MODELLING ON BIODIVERSITY & ECOSYSTEM SERVS. TO SUPPORT HUM. WELL-BEING*, <https://scenariosbes.wixsite.com/spsas-scenarios/carlosjoly> (last visited Jan. 18, 2023); *with* Carlos Joly, *Are Money Matters Moral Matters? A Plea for "Yes"*, SOC. EUR., <https://socialeurope.eu/are-money-matters-moral-matters-a-plea-for-yes> (last visited Jan. 18, 2023).

¹¹ Compl. at 2.

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1 The Supplemental Complaint contains an excerpt from a post on Doyle Canning’s
2 Facebook page in which she discusses the instant Complaint filed with the Commission and states
3 that the allegations amount to “anti-immigrant bullying” by a supporter of her political
4 opponent.¹²

5 This Office mailed the Complaint to the “Carlos Joly” located at the Burlington, Vermont
6 address identified in the Complaint.¹³ Subsequently, Carlos Federico Joly submitted a response
7 asserting that he is a U.S. citizen and that his contribution to Canning for Congress is lawful.¹⁴ In
8 addition, Joly asserts that the Complaint confuses “Dr. Carlos A. Joly with me — Carlos Joly
9 (Carlos Federico Joly),” noting that “Carlos A Joly, a professor of biology in Brazil is not Carlos
10 Joly, Fellow, Cambridge University, graduate of Harvard GSAS. Two different people with
11 slightly different names.”¹⁵

12 The terminated Committee and 2022 Committee filed separate Responses in which each
13 asserts that Carlos Federico Joly, who made the contribution, is a citizen of the United States and
14 provides a copy of Joly’s U.S. passport in support.¹⁶ The passport lists , as the date
15 it was issued. The 2022 Committee further notes that it did not register with the Commission
16 until February 3, 2022, which was over two and a half years after the contribution at issue was
17 made on June 13, 2019.¹⁷ The Committees’ Responses do not address the allegation that Joly’s
18 address and employment information are reported incorrectly.

¹² Supp. Compl. at 1 (May 6, 2022).

¹³ Compl. Notif. Letter at 1 (May 3, 2022).

¹⁴ Joly Resp. at 1 (May 10, 2022) (providing information from his U.S. passport).

15

Id.

¹⁶ Canning for Congress (terminated Committee) Resp. at 1 & Attach. (May 9, 2022); Canning for Congress (2022 Committee) Resp. at 1 & Attach. (May 18, 2022).

17 2022 Committee Resp. at 1.

1 The Commission's contributor database appears to indicate that Joly has made additional
 2 contributions, given that disclosure reports show that a "Carlos Joly" with the same address in
 3 Burlington, Vermont made contributions totaling \$12,300 to various political committee since
 4 June 13, 2019, including to the terminated Committee and the 2022 Committee.¹⁸

5 **III. LEGAL ANALYSIS**

6 **A. The Commission Should Find No Reason to Believe That Respondents Made**
 7 **or Accepted a Foreign National Contribution**

8 The Act and Commission regulations prohibit any "foreign national" from "directly or
 9 indirectly" making a contribution or donation of money or any other thing of value, or an
 10 expenditure, independent expenditure, or disbursement, in connection with a federal, state, or
 11 local election.¹⁹ The Act's definition of "foreign national" includes an individual who "is not a
 12 citizen of the United States or a national of the United States . . . and who is not lawfully admitted
 13 for permanent residence[.]"²⁰

14 The Act and Commission regulations further provide that no person shall knowingly
 15 solicit, accept, or receive a prohibited foreign national contribution or donation.²¹ The term
 16 "knowingly" is defined as having "actual knowledge" that the source is a foreign national, or
 17 being aware of "facts that would lead a reasonable person to conclude that there is a substantial

¹⁸ *FEC Individual Contributions: Filtered Results*, FEC.GOV, https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=carlos+joly (last visited Jan. 18, 2023) (showing results for "Carlos Joly.").

The Complainant asserts that according to his search of the Commission's database, Joly has not made reportable federal contributions other than the \$2,600 contribution from June 13, 2019, which is contrary to the information available in disclosure reports filed with the Commission, and that according to his other searches Joly has also not made reportable state or local contributions. Compl. at 1 (*citing FOLLOW THE MONEY*, <https://www.followthemoney.org/> (last visited Jan. 18, 2023)). The searchable database identified in the Complaint indicates that in 2020 "Carlos Joly" made contributions to federal candidates Doyle Canning, Kara Eastman, and Alexandria Ocasio-Cortez, and no contributions to state or local candidates. *Joly, Carlos*, FOLLOW THE MONEY, <https://www.followthemoney.org/entity-details?eid=48894727> (last visited Jan. 18, 2023).

¹⁹ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b).

²⁰ 52 U.S.C. § 30121(b); 11 C.F.R. § 110.20(a)(3).

²¹ 52 U.S.C. § 30121(a)(2); 11 C.F.R. § 110.20(g).

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1 probability that" or "facts that would lead a reasonable person to inquire whether" the source is a
 2 foreign national.²²

3 Respondents have provided credible information in the form of copies of Joly's U.S.
 4 passport that confirms Joly is currently a citizen of the United States and was a citizen at the time
 5 he made the contribution in question in 2019. As a U.S. citizen, Joly was eligible to make, and
 6 the Committees were permitted to receive, his contributions,²³ and the Committees were not
 7 obligated to refund the contributions made by Joly.

8 Accordingly, we recommend that the Commission find no reason to believe that Carlos
 9 Joly a/k/a Carlos Federico Joly, the terminated Committee, and the 2022 Committee violated
 10 52 U.S.C. § 30121(a).

11 **B. The Commission Should Find No Reason to Believe That the Terminated
 12 Committee Failed to Accurately Report Joly's Contributor Identification
 13 Information**

14 The Act requires committee treasurers to file accurate disclosure reports of receipts and
 15 disbursements.²⁴ When itemizing receipts, an authorized committee's reports must include, *inter*
 16 *alia*, the identification of each person whose contribution or contributions have an aggregate
 17 amount or value in excess of \$200 within the election cycle,²⁵ including the contributor's name,
 18 mailing address, occupation, and the name of his or her employer, if any.²⁶

19 Here, the terminated Committee's 2019 July Quarterly Report discloses Joly's mailing
 20 address as 25 Cherry Street, Burlington, Vermont; in the occupation field, lists that Joly is "Not

²² 11 C.F.R. § 110.20(a)(4).

²³ See Factual & Legal Analysis at 1-2, MUR 7857 (Oonagh McQuarrie, *et al.*) (finding no reason to believe respondents violated 52 U.S.C. § 30121 where the respondent demonstrated that she was a permanent U.S. resident and provided a copy of her Permanent Resident card).

²⁴ 52 U.S.C. § 30104(a)(1), (b).

²⁵ 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 104.3(a)(4).

²⁶ 11 C.F.R. § 104.8; *see also* 52 U.S.C. § 30101(13); 11 C.F.R. § 100.12.

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1 Employed"; and indicates "N/A" in the "Name of Employer" field.²⁷ The Complaint alleges that
 2 Joly's reported mailing address is false because the address is that of a Marriott hotel and Joly did
 3 not appear to be a guest there.²⁸ The Complaint further alleges that the terminated Committee
 4 disclosed false employment information for Joly because he had purportedly been a tenured
 5 professor at the University of Campinas, in São Paulo, Brazil since 1998, and that he also taught
 6 at Cambridge University in Great Britain.²⁹

7 However, the reported mailing address in Burlington, Vermont, appears to be accurate
 8 given that Joly responded to the notification letter that this Office mailed to him at that address.³⁰
 9 Further, Joly denies that he is the professor from Brazil and appears to indicate that he is a Fellow
 10 at Cambridge University.³¹ No other information is available about Joly's employment status in
 11 2019 or to indicate that the Burlington, Vermont address was inaccurate. Therefore, there is no
 12 basis on which to conclude that the terminated Committee reported false information about Joly
 13 on its 2019 July Quarterly Report.

14 Accordingly, we recommend that the Commission find no reason to believe that the
 15 terminated Committee violated 52 U.S.C. § 30104(a)(4) and 11 C.F.R. §§ 104.3(a)(4) and 104.8
 16 by inaccurately disclosing Joly's contributor identification information.

17 **IV. RECOMMENDATIONS**

18 1. Find no reason to believe that Carlos Joly a/k/a Carlos Federico Joly violated
 19 52 U.S.C. § 30121(a) by making a foreign national contribution;

²⁷ Canning for Congress (terminated Committee), 2019 July Quarterly Report at 35 (July 15, 2019); Canning for Congress (terminated Committee), Amended 2019 July Quarterly Report at 36 (Oct. 14, 2019).

²⁸ Compl. at 1.

²⁹ *Id.*

³⁰ Compl. Notif. Letter at 1; Joly Resp. at 1.

³¹ Joly Resp. at 1.

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2. Find no reason to believe that Canning for Congress and Jennifer May in her official capacity as treasurer and Canning for Congress and Shawnda Deane in her official capacity as treasurer violated 52 U.S.C. § 30121(a) by receiving a contribution from a foreign national;
3. Find no reason to believe that Canning for Congress and Shawnda Deane in her official capacity as treasurer violated 52 U.S.C. § 30104(b)(3) and 11 C.F.R. §§ 104.3(a)(4) and 104.8 by misreporting contributor identification information;
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

January 19, 2023
Date

Jin Lee

Deputy Associate General Counsel for Enforcement

Ana J. Pena-Wallace

Ana J. Peña-Wallace
Assistant General Counsel

Christine C Gallagher

Christine C. Gallagher
Attorney

Attachment:

Factual and Legal Analysis

FEDERAL ELECTION COMMISSION FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Carlos Joly a/k/a Carlos Federico Joly
Canning for Congress and Jennifer May in her
official capacity as treasurer
Canning for Congress and Shawnda Deane in her
official capacity as treasurer

I. INTRODUCTION

The Complaint in this matter alleges that Canning for Congress and Shawnda Deane in her official capacity as treasurer (“terminated Committee”)¹ accepted a prohibited contribution from a Brazilian national, Carlos A. Joly, in the amount of \$2,600 during the 2020 election cycle in violation of the Federal Election Campaign Act of 1971, as amended, (the “Act”) and that the contribution has yet to be refunded. The Complaint further alleges that information regarding Joly’s residence and employment reflected in the terminated Committee’s July 2019 Quarterly Report appears to be “false.”²

Canning was a federal candidate in 2020 and 2022. The terminated Committee; Canning’s active committee, Canning for Congress and Jennifer May in her official capacity as treasurer (the “2022 Committee”); and Joly filed Responses denying the allegations that Joly made, or the Committees accepted, a foreign national contribution. Both Committees and Joly filed responses stating that Joly is a U.S. citizen and providing information from Joly’s U.S. passport. The Committees’ Responses do not address the reporting allegation.

As discussed below, the Respondents have provided credible information that Joly is, and was at the time the contribution was made, a U.S. citizen. Accordingly, the Commission finds

¹ Canning for Congress, Termination Report (July 14, 2020); Canning for Congress, Termination Approval Letter (July 16, 2020).

² Compl. at 1 (Apr. 28, 2022).

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1 that there is no reason to believe that Respondents violated 52 U.S.C. § 30121(a) by making and
 2 accepting a prohibited foreign national contribution. The Commission further finds that there is
 3 no reason to believe that the terminated Committee violated 52 U.S.C. § 30104(a)(4) and
 4 11 C.F.R. §§ 104.3(a)(4) and 104.8 by inaccurately disclosing Joly's contributor identification
 5 information.

6 **II. FACTUAL BACKGROUND**

7 In 2020, Doyle Canning was a U.S. House candidate for Oregon's 4th Congressional
 8 District and her principal campaign committee was Canning for Congress and Shawnda Deane in
 9 her official capacity as treasurer.³ On May 19, 2020, Canning lost the Democratic primary
 10 election for that seat, and on July 16, 2020, the Commission approved the Committee's request to
 11 terminate.⁴ In 2022, Canning ran a second time for the U.S. House seat in Oregon's 4th
 12 Congressional District, and her principal campaign committee was Canning for Congress and
 13 Jennifer May in her official capacity as treasurer.⁵ On May 17, 2022, Canning lost the
 14 Democratic primary election for that seat.⁶ Canning's 2022 Committee remains active.

15 The Complaint alleges that on June 13, 2019, Carlos A. Joly, a Brazilian national, made a
 16 \$2,600 contribution to the terminated Committee.⁷ According to the Complaint, Joly falsely
 17 claimed to be a resident of Burlington, Vermont, and the street address listed on the relevant

³ Doyle Canning, Statement of Candidacy at 1 (May 22, 2019); Canning for Congress (terminated Committee), Amended Statement of Organization at 2 (Sept. 30, 2019).

⁴ OREGON SEC'Y OF STATE, MAY 19, 2020, PRIMARY ELECTION ABSTRACT OF VOTES at 9 (2020), <https://sos.oregon.gov/elections/Documents/results/may-primary-2020.pdf>; Canning for Congress (terminated Committee), Termination Approval Letter (July 16, 2020); *see also supra* note 1.

⁵ Doyle Canning, Statement of Candidacy at 1 (Feb. 3, 2022); Canning for Congress (2022 Committee), Statement of Organization at 2 (Feb. 3, 2022).

⁶ OREGON SEC'Y OF STATE, MAY 17, 2022, PRIMARY ELECTION ABSTRACT OF VOTES at 7 (2022), <https://sos.oregon.gov/elections/Documents/results/may-primary-2022.pdf>.

⁷ Compl. at 1.

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1 disclosure report, 25 Cherry St., was actually a Marriott hotel.⁸ The Complaint also alleges that
 2 Joly falsely claimed to be unemployed when he had been a tenured professor at the University of
 3 Campinas, in São Paulo state in Brazil since 1998, and that he also taught at Cambridge
 4 University in Great Britain.⁹ The Complaint provides a copy of online biographies for “Carlos
 5 Joly” purporting to show his employment.¹⁰ The Complaint further alleges that Canning’s 2022
 6 Committee has not refunded Joly’s contribution.¹¹

7 The Supplemental Complaint contains an excerpt from a post on Doyle Canning’s
 8 Facebook page in which she discusses the instant Complaint filed with the Commission and states
 9 that the allegations amount to “anti-immigrant bullying” by a supporter of her political
 10 opponent.¹²

11 The Office of the General Counsel mailed the Complaint to the “Carlos Joly” located at
 12 the Burlington, Vermont address identified in the Complaint.¹³ Subsequently, Carlos Federico
 13 Joly submitted a response asserting that he is a U.S. citizen and that his contribution to Canning
 14 for Congress is lawful.¹⁴ In addition, Joly asserts that the Complaint confuses “Dr. Carlos A. Joly

⁸ *Id.*; see also Canning for Congress (terminated Committee), 2019 July Quarterly Report at 35 (July 15, 2019); Canning for Congress (terminated Committee), Amended 2019 July Quarterly Report at 36 (Oct. 14, 2019).

⁹ Compl. at 1; Canning for Congress (terminated Committee), 2019 July Quarterly Report at 35 (July 15, 2019); Canning for Congress (terminated Committee), Amended 2019 July Quarterly Report at 36 (Oct. 14, 2019). Both the original and amended reports indicate Joly’s occupation as “unemployed.”

¹⁰ Compl. at 2. The Complaint contains links to the web pages for the online biographies, which include photographs that appear to be for two different individuals, as follows: *compare Speakers: Carlos Joly, SÃO PAULO SCH. OF ADVANCED SCI. ON SCENARIOS & MODELLING ON BIODIVERSITY & ECOSYSTEM SERVS. TO SUPPORT HUM. WELL-BEING*, <https://scenariosbes.wixsite.com/spsas-scenarios/carlosjoly> (last visited Jan. 18, 2023); *with Carlos Joly, Are Money Matters Moral Matters? A Plea for “Yes”*, SOC. EUR., <https://socialeurope.eu/are-money-matters-moral-matters-a-plea-for-yes> (last visited Jan. 18, 2023).

¹¹ Compl. at 2.

¹² Supp. Compl. at 1 (May 6, 2022).

¹³ Compl. Notif. Letter at 1 (May 3, 2022).

¹⁴ Joly Resp. at 1 (May 10, 2022) (providing information from his U.S. passport).

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1 with me — Carlos Joly (Carlos Federico Joly),” noting that “Carlos A Joly, a professor of biology
 2 in Brazil is not Carlos Joly, Fellow, Cambridge University, graduate of Harvard GSAS. Two
 3 different people with slightly different names.”¹⁵

4 The terminated Committee and 2022 Committee filed separate Responses in which each
 5 asserts that Carlos Federico Joly, who made the contribution, is a citizen of the United States and
 6 provides a copy of Joly’s U.S. passport in support.¹⁶ The passport lists , as the date
 7 it was issued. The 2022 Committee further notes that it did not register with the Commission
 8 until February 3, 2022, which was over two and a half years after the contribution at issue was
 9 made on June 13, 2019.¹⁷ The Committees’ Responses do not address the allegation that Joly’s
 10 address and employment information are reported incorrectly.

11 The Commission’s contributor database appears to indicate that Joly has made additional
 12 contributions, given that disclosure reports show that a “Carlos Joly” with the same address in
 13 Burlington, Vermont made contributions totaling \$12,300 to various political committee since
 14 June 13, 2019, including to the terminated Committee and the 2022 Committee.¹⁸

¹⁵ *Id.*

¹⁶ Canning for Congress (terminated Committee) Resp. at 1 & Attach. (May 9, 2022); Canning for Congress (2022 Committee) Resp. at 1 & Attach. (May 18, 2022).

¹⁷ 2022 Committee Resp. at 1.

¹⁸ *FEC Individual Contributions: Filtered Results*, FEC.GOV, https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=carlos+joly (last visited Jan. 18, 2023) (showing results for “Carlos Joly.”).

The Complainant asserts that according to his search of the Commission’s database, Joly has not made reportable federal contributions other than the \$2,600 contribution from June 13, 2019, which is contrary to the information available in disclosure reports filed with the Commission, and that according to his other searches Joly has also not made reportable state or local contributions. Compl. at 1 (*citing FOLLOW THE MONEY*, <https://www.followthemoney.org/> (last visited Jan. 18, 2023)). The searchable database identified in the Complaint indicates that in 2020 “Carlos Joly” made contributions to federal candidates Doyle Canning, Kara Eastman, and Alexandria Ocasio-Cortez, and no contributions to state or local candidates. *Joly, Carlos*, FOLLOW THE MONEY, <https://www.followthemoney.org/entity-details?eid=48894727> (last visited Jan. 18, 2023).

1 **III. LEGAL ANALYSIS**2 **A. The Commission Finds No Reason to Believe That Respondents Made or**
3 **Accepted a Foreign National Contribution**

4 The Act and Commission regulations prohibit any “foreign national” from “directly or
5 indirectly” making a contribution or donation of money or any other thing of value, or an
6 expenditure, independent expenditure, or disbursement, in connection with a federal, state, or
7 local election.¹⁹ The Act’s definition of “foreign national” includes an individual who “is not a
8 citizen of the United States or a national of the United States . . . and who is not lawfully admitted
9 for permanent residence[.]”²⁰

10 The Act and Commission regulations further provide that no person shall knowingly
11 solicit, accept, or receive a prohibited foreign national contribution or donation.²¹ The term
12 “knowingly” is defined as having “actual knowledge” that the source is a foreign national, or
13 being aware of “facts that would lead a reasonable person to conclude that there is a substantial
14 probability that” or “facts that would lead a reasonable person to inquire whether” the source is a
15 foreign national.²²

16 Respondents have provided credible information in the form of copies of Joly’s U.S.
17 passport that confirms Joly is currently a citizen of the United States and was a citizen at the time
18 he made the contribution in question in 2019. As a U.S. citizen, Joly was eligible to make, and

¹⁹ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b).

²⁰ 52 U.S.C. § 30121(b); 11 C.F.R. § 110.20(a)(3).

²¹ 52 U.S.C. § 30121(a)(2); 11 C.F.R. § 110.20(g).

²² 11 C.F.R. § 110.20(a)(4).

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1 the Committees were permitted to receive, his contributions,²³ and the Committees were not
 2 obligated to refund the contributions made by Joly.

3 Therefore, there is no reason to believe that Carlos Joly a/k/a Carlos Federico Joly,
 4 Canning for Congress and Jennifer May in her official capacity as treasurer, and Canning for
 5 Congress and Shawnda Deane in her official capacity as treasurer violated 52 U.S.C. § 30121(a).

6 **B. The Commission Finds No Reason to Believe That the Terminated Committee
 7 Failed to Accurately Report Joly's Contributor Identification Information**

8 The Act requires committee treasurers to file accurate disclosure reports of receipts and
 9 disbursements.²⁴ When itemizing receipts, an authorized committee's reports must include, *inter*
 10 *alia*, the identification of each person whose contribution or contributions have an aggregate
 11 amount or value in excess of \$200 within the election cycle,²⁵ including the contributor's name,
 12 mailing address, occupation, and the name of his or her employer, if any.²⁶

13 Here, the terminated Committee's 2019 July Quarterly Report discloses Joly's mailing
 14 address as 25 Cherry Street, Burlington, Vermont; in the occupation field, lists that Joly is "Not
 15 Employed"; and indicates "N/A" in the "Name of Employer" field.²⁷ The Complaint alleges that
 16 Joly's reported mailing address is false because the address is that of a Marriott hotel and Joly did
 17 not appear to be a guest there.²⁸ The Complaint further alleges that the terminated Committee

²³ See Factual & Legal Analysis at 1-2, MUR 7857 (Oonagh McQuarrie, *et al.*) (finding no reason to believe respondents violated 52 U.S.C. § 30121 where the respondent demonstrated that she was a permanent U.S. resident and provided a copy of her Permanent Resident card).

²⁴ 52 U.S.C. § 30104(a)(1), (b).

²⁵ 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 104.3(a)(4).

²⁶ 11 C.F.R. § 104.8; *see also* 52 U.S.C. § 30101(13); 11 C.F.R. § 100.12.

²⁷ Canning for Congress (terminated Committee), 2019 July Quarterly Report at 35 (July 15, 2019); Canning for Congress (terminated Committee), Amended 2019 July Quarterly Report at 36 (Oct. 14, 2019).

²⁸ Compl. at 1.

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1 disclosed false employment information for Joly because he had purportedly been a tenured
2 professor at the University of Campinas, in São Paulo, Brazil since 1998, and that he also taught
3 at Cambridge University in Great Britain.²⁹

4 However, the reported mailing address in Burlington, Vermont, appears to be accurate
5 given that Joly responded to the notification letter that the Office of the General Counsel mailed
6 to him at that address.³⁰ Further, Joly denies that he is the professor from Brazil and appears to
7 indicate that he is a Fellow at Cambridge University.³¹ No other information is available about
8 Joly's employment status in 2019 or to indicate that the Burlington, Vermont address was
9 inaccurate. Therefore, there is no basis on which to conclude that the terminated Committee
10 reported false information about Joly on its 2019 July Quarterly Report.

11 Therefore, there is no reason to believe that Canning for Congress and Shawnda Deane in
12 her official capacity as treasurer violated 52 U.S.C. § 30104(a)(4) and 11 C.F.R. §§ 104.3(a)(4)
13 and 104.8 by inaccurately disclosing Joly's contributor identification information.

²⁹ *Id.*

³⁰ Compl. Notif. Letter at 1; Joly Resp. at 1.

³¹ Joly Resp. at 1.