



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

**VIA ELECTRONIC MAIL**

January 22, 2025

Gary M. Lawkowski  
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RE: MUR 7994

Dear Mr. Lawkowski:

On May 6, 2022, the Federal Election Commission notified your client, Make America Great Again, Again! Inc. and Charles Gantt, in his official capacity as treasurer (the "Committee"), of a Complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). The Commission forwarded a copy of the Complaint to your client at that time.

On February 27, 2024, the Commission found reason to believe that the Committee violated 52 U.S.C. § 30104(b), a provision of the Act, and 11 C.F.R. § 110.1(e), a provision of the Commission's regulations, by failing to report attribution information. The Commission found no reason to believe that the Committee violated 52 U.S.C. § 30122 by knowingly accepting a contribution in the name of another. On January 14, 2025, the Commission approved a Factual and Legal Analysis which provides a basis for the Commission's finding; it is enclosed for your information.

In order to expedite the resolution of this matter, the Commission has authorized the Office of General Counsel to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Pre-probable cause conciliation is not mandated by the Act or the Commission's regulations, but is a voluntary step in the enforcement process that the Commission is offering as a way to resolve this matter at an early stage and without the need for briefing the issue of whether the Commission should find probable cause to believe that the Committee violated the law. Enclosed is a conciliation agreement for your consideration [REDACTED]

[REDACTED]

Please note that your client has a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

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MUR 7994 (Make America Great Again, Again! Inc.)  
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If your client is interested in engaging in pre-probable cause conciliation, please contact Jacob P. Tully, the attorney assigned to this matter, at (202) 694-1404 or [jtully@fec.gov](mailto:jtully@fec.gov) within seven days of receipt of this letter. During conciliation, you may submit any factual or legal materials that you believe are relevant to the resolution of this matter. Because the Commission only enters into pre-probable cause conciliation in matters that it believes have a reasonable opportunity for settlement, we may proceed to the next step in the enforcement process if a mutually acceptable conciliation agreement cannot be reached within sixty days. *See* 52 U.S.C. § 30109(a), 11 C.F.R. Part 111 (Subpart A). Conversely, if you are not interested in pre-probable cause conciliation, the Commission may conduct formal discovery in this matter or proceed to the next step in the enforcement process. Please note that once the Commission enters the next step in the enforcement process, it may decline to engage in further settlement discussions until after making a probable cause finding.

Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available on the Commission's website at [http://www.fec.gov/em/respondent\\_guide.pdf](http://www.fec.gov/em/respondent_guide.pdf).

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>1</sup>

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. For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act.

We look forward to your response.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

Enclosures

Factual and Legal Analysis  


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<sup>1</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).

**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

Respondent: Make America Great Again, Again! Inc. and Charles MUR 7994  
Gantt in his official capacity as treasurer

**I. INTRODUCTION**

The Complaint in this matter alleges that Make America Great Again, Again! Inc. and Charles Gantt in his official capacity as treasurer (“MAGA Again!” or the “Committee”) knowingly accepted a contribution made in the name of another from William Pulte when ML Organization, LLC (“ML Organization”), a limited liability corporation (“LLC”), was reported to have contributed \$500,000 to MAGA Again! on November 1, 2021. The Complaint also alleges that MAGA Again! failed to report required information regarding the attribution of this \$500,000 LLC contribution. After receiving the Complaint, MAGA Again! amended its disclosure reports to attribute the entire amount of ML Organization’s contribution to member Diana Pulte, which was consistent with contributor form information that MAGA Again! had previously received with the contribution.

Regarding the allegation that MAGA Again! accepted a contribution made in the name of another, there is no information in the record indicating that ML Organization received funds for the purpose of making a contribution on behalf of another. Accordingly, the Commission finds no reason to believe that MAGA Again! violated 52 U.S.C. § 30122 by knowingly accepting a contribution in the name of another.

Regarding the allegation that MAGA Again! did not properly report the contribution, the information provided in the Response establishes that ML Organization is a multimember LLC that does not elect to be taxed as a corporation and, therefore, its contribution should have been attributed pursuant to 11 C.F.R. § 110.1(g)(2) — which requires that such contributions be attributed to the LLC’s members either in proportion to their share of the LLC’s profits or by

1 other agreement of the members, subject to additional limitations. MAGA Again!, however,  
2 reported the contribution as if ML Organization were a corporate LLC. MAGA Again! received  
3 an attribution form indicating that the contribution was an LLC contribution, but the information  
4 provided on that form did not explicitly identify the LLC's tax status. That form, however, listed  
5 the "contributor" as Diana Pulte, one of the members of the LLC and its then-vice president.

6 Under these circumstances, the Committee failed to accurately report attribution  
7 information. Further, it does not appear that the Committee made best efforts to attempt to  
8 clarify the information it received or otherwise obtain attribution information. The Commission  
9 therefore finds reason to believe that MAGA Again! violated 52 U.S.C. § 30104(b) and  
10 11 C.F.R. § 110.1(e).

## 11 **II. FACTUAL BACKGROUND**

12 Make America Great Again, Again! is an independent expenditure-only political  
13 committee ("IEOPC") that first registered with the Commission on October 1, 2021.<sup>1</sup> Its  
14 treasurer is Charles Gantt.<sup>2</sup> In its original 2021 Year-End Report, MAGA Again! reported a  
15 \$500,000 contribution which it received on November 1, 2021, from ML Organization, LLC, a  
16 multimember LLC managing investments on behalf of the Pulte family.<sup>3</sup> MAGA Again!  
17 provided no attribution information associated with this contribution at the time.<sup>4</sup> After  
18 receiving the Complaint in this matter, MAGA Again! amended its 2021 Year-End Report to add

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<sup>1</sup> MAGA Again!, Statement of Organization (Oct. 1, 2021).

<sup>2</sup> MAGA Again!, Amended Statement of Organization (May 12, 2022).

<sup>3</sup> MAGA Again!, 2021 Year-End Report at 13 (Jan. 31, 2022), <https://docquery.fec.gov/pdf/926/202201319485556926/202201319485556926.pdf>.

<sup>4</sup> *Id.*

1 attribution information, attributing the full \$500,000 contribution to Diana Pulte, a member of  
2 ML Organization.<sup>5</sup>

3 The Complaint alleges that ML Organization was not the true contributor of the \$500,000  
4 contribution.<sup>6</sup> It bases this allegation on ML Organization’s lack of publicly identifiable  
5 activities or income since its registration as a Delaware domestic LLC in April 2018 and the fact  
6 that William Pulte is the owner of the address — which appears to be a single-family home —  
7 listed for ML Organization in MAGA Again!’s disclosures.<sup>7</sup>

8 In its Response, MAGA Again! contends that it exercised appropriate diligence in  
9 determining the source of the contribution because the donor form it received indicated that the  
10 contribution was from an LLC, and the contributor did not indicate that the LLC was taxed as a  
11 partnership.<sup>8</sup> It also contends that it took “prompt remedial action” by amending its report after  
12 receiving notice of the Complaint in this matter.<sup>9</sup> It further contends that there should be no civil  
13 penalty in this matter if the Commission finds reason to believe that a violation occurred,  
14 because it had not received adequate notice as to the requirements for attributing LLC  
15 contributions.<sup>10</sup>

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<sup>5</sup> MAGA Again!, Amended 2021 Year-End Report at 13, 14 (May 20, 2022), <https://docquery.fec.gov/pdf/095/202205209512531095/202205209512531095.pdf>.

<sup>6</sup> Compl. ¶ 1 (May 2, 2022).

<sup>7</sup> *Id.* ¶¶ 3-4, 10-11, 14-15, 26-29.

<sup>8</sup> MAGA Again! Resp. at 2-4 (June 17, 2022).

<sup>9</sup> *Id.* at 4. It also represents that it amended its donor form before receiving the Complaint, and it attached the new form, which provides a clear space to list donor attribution information. *Id.*, Ex. C.

<sup>10</sup> MAGA Again! Resp. at 5. The Response also contends that MAGA Again! should not have been added as a respondent because it is not named as a respondent in the Complaint. *Id.* at 2.

The Response also includes a copy of the donor form that Diana Pulte completed in connection with the \$500,000 contribution, the relevant portion of which is provided below:<sup>11</sup>

**MAGA, AGAIN! DONOR FORM**

☐ \$1,000,000      ☐ \$100,000  
☐ \$250,000      ☐ \$50,000  
☒ \$500,000      Other Amount: \$ \_\_\_\_\_

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**CONTRIBUTOR INFORMATION (Please fill out every field. It is required to contribute)**

Check one for contribution type: ☐ Individual ☐ Corporation ☒ LLC ☐ Partnership ☐ Trust

First Name: DIANA      City: BOCA RATON  
 Last Name: PULTE      State: FL  
 Employer: ML Organization LLC      Zip: 33432  
 Occupation: Vice President      Email: N/A  
 Address: 2305 Dixie Highway      Phone: N/A

By making this contribution, you affirm that the following statements are true and accurate: I am a United States citizen or permanent resident (e.g., greencard holder) or I am a representative of a corporation that is chartered and operating in the U.S., the funds are derived from U.S. revenues, and no foreign national has participated in the decision to make this contribution; This contribution is made from the funds of the above-listed contributor, will not be reimbursed by another, and, if this contribution is made via credit card, it is being made with a card for which the contributor has a legal obligation to pay and will not be made on the card of another; This contribution is not made from the treasury of an entity that is a federal government contractor.

Contributor Signature: Diana Pulte      Date: 11/8/2021  
 Name Printed: Diana Pulte

### III. LEGAL ANALYSIS

#### A. Contribution in the Name of Another

The Act provides that a contribution includes “any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.”<sup>12</sup> The term “person” for purposes of the Act and Commission regulations includes partnerships, corporations, and “any other organization or group of persons.”<sup>13</sup> The Act prohibits a person from making a contribution in the name of another person, knowingly permitting his or her name to be used to effect such a contribution, or

<sup>11</sup> *Id.*, Ex. A.

<sup>12</sup> 52 U.S.C. § 30101(8)(A).

<sup>13</sup> *Id.* § 30101(11); 11 C.F.R. § 100.10.

1 knowingly accepting such a contribution.<sup>14</sup> The Commission's regulations include illustrations  
2 of activities that constitute making a contribution in the name of another:

3 (i) Giving money or anything of value, all or part of which  
4 was provided to the contributor by another person (the true  
5 contributor) without disclosing the source of money or the  
6 thing of value to the recipient candidate or committee at the  
7 time the contribution is made; or

8 (ii) Making a contribution of money or anything of value and  
9 attributing as the source of the money or thing of value  
10 another person when in fact the contributor is the source.<sup>15</sup>

11 Both the Act and the Commission's implementing regulations provide that a person who  
12 furnishes another with funds for the purpose of contributing to a candidate or committee "makes"  
13 the resulting contribution.<sup>16</sup>

14 Here, the available information does not indicate that ML Organization operated as a  
15 conduit for the \$500,000 contribution to MAGA Again!. Rather, it appears that ML  
16 Organization was the true contributor. Moreover, there is also no information in the record  
17 indicating that William Pulte or Diana Pulte sought to conceal their identities as the owners of  
18 ML Organization, nor that Ms. Pulte sought to hide her identity as the true contributor. The  
19 contributor form indicates that attribution information regarding Diana Pulte was provided at the  
20 time of the contribution.<sup>17</sup>

21 The only available information to indicate that the contribution was made in the name of  
22 another is the initial lack of attribution information in MAGA Again!'s disclosure report. As

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<sup>14</sup> 52 U.S.C. § 30122.

<sup>15</sup> 11 C.F.R. § 110.4(b)(2)(i)-(ii).

<sup>16</sup> See 52 U.S.C § 30122; 11 C.F.R. § 110.4.

<sup>17</sup> *Supra* note 11 and accompanying text (reflecting information regarding Diana Pulte written on donor form).

1 MAGA Again!, and not the ML Organization or Ms. Pulte, was responsible for the contents of  
2 that report, and absent additional information indicating a conduit contribution scheme occurred,  
3 the Commission finds no reason to believe that MAGA Again! violated 52 U.S.C. § 30122 by  
4 knowingly accepting a contribution in the name of another.

5 **B. Failure to Report Attribution Information**

6 The treasurer of an unauthorized political committee is responsible for reporting the  
7 identification of each person whose aggregate contributions exceed \$200 per calendar year,  
8 together with the date and amount of any such contribution.<sup>18</sup> Commission regulations require  
9 committees to report certain attribution information for contributions from limited liability  
10 companies.<sup>19</sup> Commission regulations state that “[a] contribution by an LLC that elects to be  
11 treated as a partnership by the Internal Revenue Service pursuant to [26 C.F.R. §] 301.7701-3, or  
12 does not elect treatment as either a partnership or a corporation, pursuant to that section, shall be  
13 considered a contribution from a partnership pursuant to [11 C.F.R. §] 110.1(e).”<sup>20</sup> Thus,  
14 contributions by an LLC that does not elect to be treated as a corporation by the Internal  
15 Revenue Service and does not have a single natural-person member are treated as partnership  
16 contributions, which must be attributed to both the LLC and its member or members.<sup>21</sup>  
17 Furthermore, when an LLC makes a contribution, it must affirm to the recipient, at the time the

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<sup>18</sup> 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 104.3(a)(4).

<sup>19</sup> See 11 C.F.R. § 110.1(g).

<sup>20</sup> *Id.* § 110.1(g)(2). The regulations further specify that a “contribution by an LLC with a single natural[-]person member that does not elect to be treated as a corporation by the Internal Revenue Service . . . shall be attributed only to that single member.” *Id.* § 110.1(g)(4); see also *id.* § 110.1(g)(3) (governing contributions by LLCs electing IRS treatment as corporations and LLCs with publicly traded shares). The current record does not support a finding that ML Organization is a publicly traded LLC and it does not appear that ML Organization is a single-member LLC. See 11 C.F.R. § 110.1(g)(3), (4).

<sup>21</sup> *Id.* § 110.1(e), (g). Commission regulations specify that contributions by partnerships are attributed to the partnership and to each partner in direct proportion to his or her share of the partnership profits unless otherwise agreed to by the partners. *Id.* § 110.1(e).



1 LLC makes the contribution, that it is eligible to make a contribution and “provide information to  
2 the recipient committee as to how the contribution is to be attributed.”<sup>22</sup>

3 Although the Commission’s regulations concerning the attribution of LLC contributions  
4 were promulgated prior to developments in the law that led to the creation of IEOPCs (such as  
5 the recipient committee in this matter), they apply on their face to all political committees and  
6 neither Congress, courts nor the Commission has exempted IEOPCs from their application.<sup>23</sup>  
7 These regulations uphold the Act’s reporting framework and inhibit attempts to circumvent the  
8 Act’s contribution source prohibitions and amount limitations, including prohibitions applicable  
9 to IEOPCs.<sup>24</sup> The Commission has recognized that recipient committees must seek attribution  
10 information so that the recipient committees can accurately disclose those contributions to the  
11 public.<sup>25</sup>

12 When a treasurer of a political committee shows that the committee used “best efforts” to  
13 obtain, maintain, and submit the information required by the Act, the committee’s reports will be  
14 considered in compliance with the Act.<sup>26</sup> Best efforts require, among other things, that all  
15 written solicitations contain a clear request for the necessary information and that, “[f]or each

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<sup>22</sup> *Id.* § 110.1(g)(5).

<sup>23</sup> See Statement of Reasons of Chairman Dickerson, Vice Chair Walther, & Comm’rs Broussard & Weintraub at 2, MUR 7454 (Blue Magnolia, *et al.*); Factual & Legal Analysis (“F&LA”) at 14-15, MUR 7464 (LZP, LLC) (citing 52 U.S.C. §§ 30116(a)(1), 30118(a)); Treatment of Limited Liability Companies Under the Federal Election Campaign Act, 64 Fed. Reg. 37,397, 37,398-99 (July 12, 1999) (“LLC E&J”) (discussing role of LLC attribution rules in identifying prohibited contributions from foreign national or government contractor sources, concerns that apply to all LLC contributions, including contributions to IEOPCs).

<sup>24</sup> See 52 U.S.C. §§ 30116(a)(1), 30118(a); LLC E&J, 64 Fed. Reg. at 37,398-99.

<sup>25</sup> LLC E&J, 64 Fed. Reg. at 37,399 (“The Commission further notes that the recipient committee would have no way of knowing how to attribute a contribution made by an eligible multi-member or single member LLC, unless that information was provided.”); F&LA at 5, MUR7454 (DefendArizona) (finding that the recipient independent expenditure-only political committee failed to seek attribution information so that it could accurately disclose the contribution, as required under 11 C.F.R. § 110.1(e)).

<sup>26</sup> 52 U.S.C. § 30102(i); 11 C.F.R. § 104.7(a).

1 contribution . . . which lacks required contributor information,” the recipient committee must  
2 make at least one effort to obtain the missing information within 30 days after the receipt of the  
3 contribution, in either a written request or a documented oral request.<sup>27</sup> If the treasurer receives  
4 missing contributor information after submitting a report, the treasurer either files an amendment  
5 to the report originally disclosing the contribution to provide the missing contributor information  
6 or includes the missing contributor information on an amended memo Schedule A with the next  
7 regularly scheduled report.<sup>28</sup> Best efforts require political committees and their treasurers to  
8 “show[ ] that best efforts have been used to obtain, maintain, and submit the information  
9 required . . . .”<sup>29</sup>

10 Here, the available information indicates that ML Organization’s contribution should  
11 have been attributed to Diana Pulte because ML Organization is not taxed as a corporation and  
12 Diana Pulte appears to be the member to whom the contribution should be attributed. After  
13 receiving the Complaint in this matter, five months after filing its original 2021 Year-End  
14 Report, MAGA Again! amended its report to attribute the contribution to Diana Pulte.<sup>30</sup> It did  
15 not, however, do so at the outset. MAGA Again! thus failed to report the attribution information  
16 required under 52 U.S.C. § 30104(b) and 11 C.F.R. § 110.1(g)(2).

17 The available information also does not establish that MAGA Again! satisfied the  
18 requirements of the “best efforts” provisions of the Act and Commission regulations, which may

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<sup>27</sup> 11 C.F.R. § 104.7(b).

<sup>28</sup> *Id.* § 104.7(b)(4)(i).

<sup>29</sup> 52 U.S.C. § 30102(i); *see also* Statement of Policy Regarding Treasurers’ Best Efforts to Obtain, Maintain, and Submit Information as Required by the Federal Election Campaign Act, 72 Fed. Reg. 31,438, 31,440 (June 7, 2007).

<sup>30</sup> MAGA Again! Resp. at 3-4 (stating that the Committee “took prompt remedial actions” by, *inter alia*, “fil[ing] an amended report with the Commission to correct the public record”).

1 cause an otherwise deficient report to be deemed in compliance with the Act.<sup>31</sup> Those provisions  
2 require, among other things, that when a reporting Committee receives a contribution that lacks  
3 required contributor information “the treasurer make[] at least one effort after the receipt of the  
4 contribution to obtain the missing information” within 30 days.<sup>32</sup> The request “must clearly ask  
5 for the missing information, and must include the statement set forth” in 11 C.F.R.  
6 § 104.7(b)(1).<sup>33</sup> MAGA Again! does not contend that it made any efforts to obtain attribution  
7 information for ML Organization’s contribution except to “provide[] a mechanism for the  
8 contributor to attribute their contribution” in the form of the donor card.<sup>34</sup> It contends that it did  
9 so because a contributor could indicate that an LLC was taxed as a partnership by checking the  
10 box marked “partnership” as well as the box marked “LLC” on its donor form.<sup>35</sup> But the  
11 contributor also did not check the box marked “corporation” to indicate that the LLC was taxed  
12 as a corporation, nor did the attribution form include any check boxes clearly indicating whether  
13 a given LLC was taxed as a corporation or otherwise. Accordingly, MAGA Again! lacked  
14 contributor information, namely, the fact that ML Corporation is an LLC taxed as a partnership,  
15 and failed to “clearly ask” for that information “after the receipt of the contribution,” as required  
16 by the Commission’s best efforts regulation.<sup>36</sup>

17 Accordingly, the Commission finds reason to believe that MAGA Again! violated  
18 52 U.S.C. § 30104(b) and 11 C.F.R. § 110.1(e) by failing to report attribution information.

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<sup>31</sup> *Supra* note 27 and accompanying text.

<sup>32</sup> 11 C.F.R. § 104.7(b)(2).

<sup>33</sup> *Id.*

<sup>34</sup> MAGA Again! Resp. at 4.

<sup>35</sup> *Id.* at 3-4.

<sup>36</sup> 11 C.F.R. § 104.7(b)(2).