

FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL’S REPORT

MUR 7997

DATE COMPLAINT FILED: May 9, 2022

DATES OF NOTIFICATION: May 11, 2022

May 7, 2024

LAST RESPONSE RECEIVED: Aug. 5, 2022

DATE ACTIVATED: Feb. 26, 2024

ELECTION CYCLE: 2022

EXPIRATION OF SOL: Mar. 17-Nov. 19, 2026

COMPLAINANT:

Theodore Roberts

RESPONDENTS:Wirth for Congress and Christopher Wirth in his
official capacity as treasurer

Claire Wirth

Christopher Wirth

**RELEVANT STATUTES
AND REGULATIONS:**

52 U.S.C. § 30104(b)

52 U.S.C. § 30116(a)(1)(A), (f)

52 U.S.C. § 30118(a)

52 U.S.C. § 30120(a)

11 C.F.R. § 104.3(a), (b)

11 C.F.R. § 104.13(a)

11 C.F.R. § 110.1(b)

11 C.F.R. § 110.9

11 C.F.R. § 110.11(b)(1)

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

None

I. INTRODUCTION

The Complaint alleges that Claire Wirth, a 2022 candidate in Kentucky’s 4th Congressional District, and her principal campaign committee, Wirth for Congress and Christopher Wirth in his official capacity as treasurer (the “Committee”), violated provisions of the Federal Election Campaign Act of 1971, as amended (the “Act”), and the Commission’s regulations in the following ways: (1) by failing to report the purchase of a Cameo video in

1 which political commentator Tomi Lahren wishes Mrs. Wirth “good luck” on her upcoming run;
2 (2) by failing to report an in-kind contribution from an unnamed third party who provided Mrs.
3 Wirth with transportation in a rental van to attend and depart a political party event and in which
4 Mrs. Wirth conducted a livestream for her campaign; (3) by failing to report a payment to a
5 campaign employee that was publicly shown on Venmo with the purpose of “Freedom Fest” and
6 with the amount unspecified; (4) by failing to include a proper disclaimer on a newspaper
7 advertisement which used “Paid for by Candidate” rather than “Paid for by Wirth for Congress”;
8 and (5) by failing to report an in-kind contribution for the transfer of a Facebook page to the
9 Committee from Christopher Wirth, the candidate’s husband, who allegedly ran the Facebook
10 page under the name “Thank You Trump,” prior to its transfer.

11 The Responses by the Committee and Mrs. Wirth, which are identical, both generally
12 deny the allegations. First, regarding the Cameo video, the Responses do not address who
13 purchased the video but only state that any relationship between Mrs. Wirth and Lahren “is a
14 personal matter” and that Mrs. Wirth “is a fan of Tomi’s and frequently shares her content.”¹
15 Second, regarding the party van, the Responses state that the 10-person van, which they imply
16 was rented by an unnamed third party, had extra space available, concluding that “no cost or in-
17 kind donation applied.”² Third, regarding the Venmo payment to a campaign employee, the
18 Responses assert that Mrs. Wirth paid the employee for “a few homemade shirts, not relating to
19 Mrs. Wirth’s campaign,” on October 10, 2021, and that the employee did not start working for
20 the campaign until April 2022.³ Fourth, regarding the newspaper advertisement, the Responses

¹ Wirth for Congress Resp. at 1 (July 1, 2022); Claire Wirth Resp. at 1 (Aug. 5, 2022).

² Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

³ Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

1 assert that the disclaimer was “worded by the local paper” and that in any event, “Paid for by
2 Candidate” offers no ambiguity as to who paid for it.⁴ Finally, regarding the Facebook page, the
3 Responses state that Facebook bans the sale of pages, although they do not specify whether the
4 page was nonetheless sold or transferred or otherwise made available to the Committee, and
5 assert, without providing specifics, that the page was “abandoned” and “had no monetary
6 value.”⁵ Mr. Wirth did not provide a response in his personal capacity addressing the allegations
7 made in the Complaint.

8 Given the minimal amounts in violation, we recommend that the Commission dismiss the
9 following allegations in the exercise of its prosecutorial discretion: (1) regarding the Cameo
10 video, dismiss the allegation that Wirth for Congress violated 52 U.S.C. § 30104(b) and
11 11 C.F.R. § 104.3 by failing to disclose a disbursement and/or an in-kind contribution from Mrs.
12 Wirth who may have paid for the video with her personal funds; (2) regarding the van rental,
13 dismiss the allegations that Wirth for Congress violated 52 U.S.C. § 30104(b) and 11 C.F.R.
14 § 104.3 by failing to disclose an in-kind contribution and violated 52 U.S.C. §§ 30116(f) and
15 30118(a) and 11 C.F.R. §§ 110.9 and 114.2(d) by knowingly accepting an excessive or
16 prohibited corporate contribution; (3) regarding the transfer of the Facebook page, dismiss the
17 allegations that Wirth for Congress violated 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 104.3(a) and
18 104.13(a) by failing to report an in-kind contribution and violated 52 U.S.C. § 30116(f) and
19 11 C.F.R. § 110.9 by knowingly accepting an excessive contribution; and (4) also regarding the

⁴ Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

⁵ Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

Facebook page, dismiss the allegation that Christopher Wirth violated 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R. § 110.1(b) by making an excessive contribution.

Regarding the Venmo payment, given the un rebutted statements that the payment was not related to an election, we recommend that the Commission dismiss the allegation that Wirth for Congress violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to disclose both a payment to a campaign employee and an in-kind contribution from Mrs. Wirth to the Committee resulting from the payment. Regarding the newspaper advertisement, because there would likely not be confusion as to who paid for the newspaper advertisement given the disclaimer's wording, we recommend that the Commission exercise its prosecutorial discretion and dismiss the allegation that Wirth for Congress violated 52 U.S.C § 30120(a) and 11 C.F.R. § 110.11(a)(l), (b)(l), (c)(1)-(2) by not including a proper disclaimer on it. Finally, we recommend that the Commission dismiss the allegation that Mrs. Wirth violated 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 104.3(a) and 104.13(a) by failing to report the alleged payments and in-kind contributions because she was not the treasurer of the Committee and therefore had no personal reporting obligations.

II. FACTUAL AND LEGAL ANALYSIS

Wirth for Congress is the principal campaign committee for Claire Wirth; Christopher Wirth is its treasurer.⁶ Claire Wirth was a candidate in the 2022 election cycle for Kentucky's 4th Congressional District.⁷ Wirth lost the 2022 Republican primary election on May 17, 2022.⁸

A. Relevant Law

Political committees must regularly submit to the Commission reports that accurately disclose their, *inter alia*, receipts and disbursements.⁹ A principal campaign committee's reports must disclose the total amount of receipts and disbursements during the reporting period.¹⁰ Further, for contributors whose aggregate contributions exceed \$200 during an election cycle for an authorized committee, the committee shall disclose the date and amount of each contribution as well as the contributor's identifying information.¹¹ And, for persons whose aggregate disbursements received exceed \$200 during an election cycle for an authorized committee, the committee shall disclose the date, amount of the disbursement, the name of the person, and a purpose for the expenditure.¹²

The term "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

⁶ Wirth for Congress, Statement of Organization (Feb. 6, 2021), <https://docquery.fec.gov/pdf/319/202102169428278319/202102169428278319.pdf>.

⁷ Claire Wirth, Statement of Candidacy (Feb. 24, 2021), <https://docquery.fec.gov/pdf/890/202102249428822890/202102249428822890.pdf>.

⁸ 2022 Primary Election Results, COMMONWEALTH OF KENTUCKY: STATE BOARD OF ELECTIONS, <https://elect.ky.gov/results/2020-2029/Documents/2022%20Primary%20Election%20results.pdf> (last visited May 20, 2024).

⁹ 52 U.S.C. § 30104(b)(2)-(7); 11 C.F.R. § 104.3(a)(3)-(4), (b)(2), (4).

¹⁰ 52 U.S.C. § 30104(b)(2), (4); 11 C.F.R. § 104.3(a), (b).

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

¹² 52 U.S.C. § 30104(b)(5)(a); 11 C.F.R. § 104.3(b)(4)(i).

Federal office.”¹³ In defining a “contribution,” the Act uses a broadly-encompassing phrase, “anything of value,”¹⁴ which, under the Commission’s regulation, includes “all in-kind contributions” and “the provision of any goods or services” at no charge or at a reduced charge.¹⁵ The phrase “anything of value” facially contemplates a broad, case-by-case application and in prior matters, the Commission has found that many tangible goods and intangible items such as data or services fall within the scope of the regulatory text.¹⁶

The amount of an in-kind contribution shall be equal to the usual and normal value on the date received and each in-kind contribution shall be reported as a contribution in accordance with 11 C.F.R. 104.3(a).¹⁷ Further, except for limited exceptions, in-kind contributions shall also be reported as an expenditure at the same usual and normal value and reported on the appropriate expenditure schedule, in accordance with 11 C.F.R. § 104.3(b).¹⁸

For the 2022 election cycle, an individual could not make and a principal campaign committee could not knowingly accept contributions exceeding \$2,900 per election.¹⁹ A candidate who receives a contribution or makes disbursements in connection with his or her

¹³ 52 U.S.C. § 30101(8)(A)(i).

¹⁴ *Id.*

¹⁵ 11 C.F.R. § 100.52(d)(1).

¹⁶ See F&LA at 10-11, MUR 6040 (Rangel for Congress, *et al.*) (finding reason to believe that rent-controlled apartment occupied by political committees under terms and conditions that differed from other tenants was excessive in-kind contribution); First General Counsel’s Report at 11-12, MUR 6651 (Murray Energy Corp., *et al.*) (listing examples); see also Advisory Opinion 2007-22 at 6 (Hurysz) (“AO 2007-22”) (explaining that the provision of items “without charge” that “would relieve [the] campaign of the expense that it would otherwise incur to obtain such materials” would constitute an in-kind contribution); AO 1990-12 at 2 (Strub) (explaining that if an individual provides poll information to a candidate or others working on candidate’s committee this would result in an in-kind contribution to the authorized campaign committee).

¹⁷ 11 C.F.R. § 104.13(a)(1).

¹⁸ *Id.* § 104.13(a)(2).

¹⁹ 52 U.S.C. § 30116(a)(1)(A), (f); 11 C.F.R. §§ 110.1(b); 110.9; see also Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 86 Fed Reg. 7867, 7869 (Feb. 2, 2021).

campaign will be considered an agent of their campaign.²⁰ Additionally, a candidate may make unlimited expenditures from personal funds in support of their own campaigns.²¹ However, the Act prohibits corporations from making contributions to federal candidates or their committees and corporate officers and directors from consenting to such contributions.²² It also prohibits federal candidates or their committees from knowingly accepting corporate contributions.²³

Additionally, the Act and Commission regulations require all public communications by a political committee to have a disclaimer that clearly identifies the political committee that paid for the communication.²⁴ The term “public communication” means “a communication by means of any broadcast, cable, or satellite communication, *newspaper*, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.”²⁵ In the case of a communication that is paid for by a candidate, an authorized committee of a candidate, or an agent of the foregoing, the disclaimer must clearly state that the communication has been paid for by the authorized committee.²⁶

²⁰ 11 C.F.R. § 101.2(a).

²¹ 11 C.F.R. § 110.10; *see id.* § 100.33 (defining personal funds); *Buckley v. Valeo*, 424 U.S. 1, 54 (1976) (“[T]he First Amendment simply cannot tolerate [the Act’s] restriction upon the freedom of a candidate to speak without legislative limit on behalf of his own candidacy. We therefore hold that [the Act’s] restriction on a candidate’s personal expenditures is unconstitutional.”).

²² 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2(e).

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

²⁴ 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11(a)(l), (b)(l), (c)(1)-(2).

²⁵ 52 U.S.C. § 30101(22) (emphasis added); *see also* 11 C.F.R. § 100.26.

²⁶ 11 C.F.R. § 110.11(b)(1).

B. The Commission Should Dismiss as a Matter of Prosecutorial Discretion the Allegation that the Committee Violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by Failing to Disclose the Disbursement of a Cameo Video and/or Resulting In-Kind Contribution from Mrs. Wirth

The Complaint alleges that Mrs. Wirth²⁷ or the Committee purchased a video of Lahren for her campaign through Cameo,²⁸ which was not reported on the Committee's reports of receipts and disbursements.²⁹ The Complaint includes a link to the video which appears to be from Cameo; the start of the video is a screenshot of Lahren's Cameo page and then segues into a video of Lahren in the same outfit and background as one of the stills on her page.³⁰ In the video, Lahren addresses "Claire" and wishes her luck on her upcoming run.³¹ The Complaint states that the Committee posted the video but does not identify on which platform.³² The Responses do not address whether Mrs. Wirth or the Committee paid Cameo for the video but state that any relationship between Mrs. Wirth and Lahren "is a personal matter."³³ Prices listed

²⁷ The Complaint names Mrs. Wirth individually as well as the Committee for alleged reporting violations. The Act and Commission regulations require that each treasurer of a political committee file regular reports with the Commission and sign each report. 52 U.S.C. § 30104(a)(1), (b); 11 C.F.R. §§ 104.1(a), 104.3(a), (b). Mrs. Wirth was not treasurer of the Committee, and as a result these reporting obligations do not apply to her. We therefore recommend dismissing the reporting allegations as to Mrs. Wirth.

²⁸ The Complaint states that "Cameo is a popular internet platform by which individuals can order video clips of celebrities saying whatever the buyer wants them to say." Compl. at 1. Cameo describes itself as "the leading marketplace connecting fans directly with tens of thousands of pop culture personalities in the form of customized video messages, live video calls and direct messages." CAMEO. *What is Cameo?*, CAMEO.COM, <https://help.cameo.com/en/support/solutions/articles/43000661300-what-is-cameo-> (last visited May 24, 2024).

²⁹ Compl. at 1.

³⁰ Video: Good Luck Claire from Tomi Lahren at 00:07 (uploaded to Google Drive May 9, 2022), <https://drive.google.com/file/d/14um3WCRwzBiu9kN471CqUMW3qKJOFioG/view>.

³¹ *Id.* Whereas the Complaint describes the video as containing an endorsement, a review of the video shows that Lahren does not specifically endorse Wirth but rather makes general statements about the conservative movement, hoping that "Claire" agrees with them and then offers her luck.

³² Compl. at 1.

³³ Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

on Cameo at the time of purchase reflect that a personal video form Lahren costs \$95 and a video for a business costs \$3,000.³⁴

It appears that the Cameo video featuring Lahren was purchased on behalf of the campaign, because it supports the campaign and was apparently posted on social media by the campaign, but it is unclear who purchased the video. If the Committee purchased the video, it would be required to include the disbursement in its total disbursements and, depending on whether the amount (aggregated with any other Cameo purchases) was over \$200, itemize the disbursement.³⁵ If Mrs. Wirth purchased the video, the Committee would still have to include the disbursement in its total disbursements and, depending on the amount, itemize the disbursement. It would also result in an in-kind contribution from Mrs. Wirth to the Committee that must be reported.³⁶ The same would be true if a third party besides Mrs. Wirth made the purchase.³⁷

The amount in violation for not reporting a Cameo purchase, in this instance, would be \$95 or \$3,000 depending if purchasing a personal video or business video.³⁸ A personal video

³⁴ *Tomi Lahren- Bio, Birthday, Age, Video: Cameo*, CAMEO.COM, <https://www.cameo.com/tomilahren> (last visited May 20, 2024); *Tomi Lahren- Bio, Birthday, Age, Video: Cameo for Business*, CAMEO.COM, <https://www.cameo.com/business/talent/tomilahren> (last visited May 20, 2024).

³⁵ 52 U.S.C. § 30104(b)(4), (5); 11 C.F.R. § 104.3(b).

³⁶ An in-kind contribution by Mrs. Wirth would not result in an excessive contribution because candidates are permitted to make unlimited expenditures in support of their campaigns, but the resulting in-kind contributions still must be reported by the committee. 52 U.S.C. § 30104(b); 11 C.F.R. §§ 110.10, 104.3(a), 104.13(a). *FEC Disbursements: Filtered Results*, FEC. GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00769596&recipient_name=Wirth&two_year_transaction_period=2022&two_year_transaction_period=2024&min_date=01%2F01%2F2021&max_date=12%2F31%2F2022&disbursement_description=In-Kind (last viewed May 24, 2024) (reflecting three in-kind contributions by Mrs. Wirth totaling \$69,500 to the Committee).

³⁷ See 52 U.S.C. § 30104(b); 11 C.F.R. § 104.13.

³⁸ *Tomi Lahren- Bio, Birthday, Age, Video: Cameo*, CAMEO.COM, <https://www.cameo.com/tomilahren> (last visited May 20, 2024); *Tomi Lahren- Bio, Birthday, Age, Video: Cameo for Business*, CAMEO.COM, <https://www.cameo.com/business/talent/tomilahren> (last visited May 20, 2024).

1 purchased by the Committee would not have required itemization based on the amount at issue
 2 since the Committee did not report any other disbursements to Cameo.³⁹ However, an in-kind
 3 contribution by Mrs. Wirth to the Committee of any amount would have required itemization due
 4 to previous contributions by Mrs. Wirth above the \$200 reporting threshold.⁴⁰ Even if Mrs.
 5 Wirth or the Committee purchased a business video, resulting in an amount in violation of
 6 \$3,000, we do not recommend that the Commission pursue the matter as the Commission has
 7 previously exercised its prosecutorial discretion in dismissing matters of similar amounts.⁴¹

8 Accordingly, we recommend that the Commission exercise its prosecutorial discretion
 9 and dismiss the allegations that the Committee failed to report an expenditure and/or an in-kind
 10 contribution from Mrs. Wirth in violation of 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 with
 11 respect to the Cameo video.⁴²

12 **C. The Commission Should Dismiss as a Matter of Prosecutorial Discretion the**
 13 **Allegation that the Committee Violated 52 U.S.C. § 30104(b) and 11 C.F.R.**
 14 **§ 104.3 by Failing to Disclose an In-Kind Contribution and Violated 52**
 15 **U.S.C. §§ 30116(f) and 30118(a) and 11 C.F.R. §§ 110.9 and 114.2(d) by**
 16 **Knowingly Accepting an Excessive or Prohibited Corporate Contribution for**
 17 **the Use of a Party Van Rental**

18 The Complaint alleges that the Committee failed to report an expense for the use of a
 19 party van to attend the Boone County Republican Party's Christmas Gala.⁴³ The Complaint

³⁹ 52 U.S.C. § 30104(b)(4)-(5); 11 C.F.R. § 104.3(b).

⁴⁰ See *supra* note 36 and accompanying text.

⁴¹ Gen. Counsel's Rpt. ("GCR"), MUR 8039 (Becker for Congress) (EPS Dismissal) (recommending dismissal of a complaint regarding \$14,356.58 in in-kind contributions that failed to provide the names of vendors or ultimate payees who had provided services); Certification ("Cert.") ¶ 1 (Jan. 12, 2023), MUR 8039 (Becker for Congress) (voting to dismiss compliant pursuant to prosecutorial discretion); GCR at 3-4, MUR 7077 (Ellson for Congress) (EPS Dismissal) (recommending dismissal of a complaint regarding failure to report a \$10,440 ballot access fee); Cert ¶ 1 (June 26, 2017), MUR 7077 (Ellson for Congress) (voting to dismiss the allegations).

⁴² See *Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

⁴³ Compl. at 1-2.

1 provides a photo of Mrs. Wirth entering the van and a link to a livestream she conducted from
 2 the van.⁴⁴ The Complaint describes the video as a “campaign livestream” but it is unclear
 3 through which platform the video was streamed on or who rented the party van for the event.⁴⁵
 4 The Complaint cites to a website for a bus rental company, asserting that “[p]arty van rentals are
 5 rather expensive,” although the cited page does not contain any prices.⁴⁶ The Responses imply
 6 that an unnamed third party rented the van which held 10 people and that the van simply had
 7 extra space available that Mrs. Wirth used in connection with a political event and assert that “no
 8 cost or in-kind donation applied.”⁴⁷ The Responses also indicate that the tickets for the event
 9 were purchased by the Committee and reported on its disclosure reports.⁴⁸

10 Based on the available information, it appears that Mrs. Wirth, by taking an open seat in
 11 the van, accepted an in-kind contribution from the unnamed person that paid to rent the van.⁴⁹
 12 The third party gave something of value to Mrs. Wirth, the purpose of which was to influence
 13 her election, *i.e.*, transportation for her to attend a political event as well as a venue for her to
 14 conduct a livestream for her campaign.⁵⁰ Thus, the Committee received a contribution equal to
 15 the pro-rated amount of the seat(s) that Mrs. Wirth (and her party) occupied out of the 10-seat

⁴⁴ *Id.* at 1.

⁴⁵ *Id.* at 1-2.

⁴⁶ *Id.* at 2; SANTOS VIP LIMOUSINE, <https://santoslimousine.com/mercedes-benz-sprinter-limo> (last visited June 4, 2024).

⁴⁷ Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

⁴⁸ Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1; *see also* Wirth for Congress, Amended 2021 Year-End Report at 25 (Apr. 15, 2022), <https://docquery.fec.gov/cgi-bin/fecimg/?202204159499769821> (disclosing disbursement to Ticketleap on November 3, 2021, for “Boone Co. Republican Party Sponsorship”).

⁴⁹ *See* 11 C.F.R. § 100.52(d) (defining an in-kind contribution as “any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services is a contribution”); *id.* § 101.2(b) (stating any funds received by a candidate shall be deemed to have been received as an agent of his or her authorized committee).

⁵⁰ *Id.* § 100.52(a).

van.⁵¹ Had the unknown person not provided Mrs. Wirth with free travel, Mrs. Wirth or the Committee would have had to pay for the transportation but the unknown person relieved the Committee of this expense. Depending on the identity of the unknown payor, this raises the possibility of an excessive or prohibited corporate contribution.

However, the available information suggests that the transportation provided to Mrs. Wirth only occurred on one night likely resulting in a relatively minimal in-kind contribution.⁵² As mentioned, the Committee would be responsible for the pro-rated amount (the number of seats out of ten) for a rental van for a single night to make what appears to be a limited trip. The Commission previously exercised its prosecutorial discretion in dismissing matters where the value of the in-kind contribution was minimal.⁵³ It does not appear that it would be an efficient use of the Commission's limited resources to pursue this matter and determine the amount of the in-kind contribution here.

Accordingly, we recommend that the Commission exercise its prosecutorial discretion and dismiss the allegation that the Committee failed to report an in-kind contribution in violation of 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 104.3(a) and 104.13(a) with respect to the use of a party van.⁵⁴ Additionally, we recommend that the Commission exercise its prosecutorial

⁵¹ Information provided in the Responses from the Committee and Mrs. Wirth indicate that an extra seat(s) was available for Mrs. Wirth to use suggesting that another person rented the van on the night and offered space to Mrs. Wirth. *See* Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

⁵² Compl. at 1; Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

⁵³ GCR at 4-5, MUR 7077 (Ellson for Congress) (EPS Dismissal) (recommending dismissal of a complaint regarding failure to report \$100 in-kind contribution for fundraiser tickets); Cert. ¶ 2 (June 26, 2017), MUR 7077 (Ellson for Congress) (voting to dismiss the allegations); Factual & Legal Analysis ("F&LA") at 6-7, MUR 6004 ("Friends of Andrew Concannon aka [sic] Concannon for Congress" *et al.*) (dismissing with admonishment a complaint regarding a candidate committee failing to report an-kind contribution for the use of an electronic sign valued at \$350 provided by a supporter).

⁵⁴ *See Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

discretion and dismiss the allegation the Committee and Mrs. Wirth knowingly accepted an excessive or prohibited corporate contribution in violation of 52 U.S.C. §§ 30116(f) and 30118(a) and 11 C.F.R. §§ 110.9 and 114.2(d) with respect to the use of a party van.

D. The Commission Should Dismiss the Allegation that the Committee Violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by Failing to Disclose a Disbursement to a Campaign Employee and Resulting In-Kind Contribution from Mrs. Wirth

The Complaint alleges that the Committee failed to report a payment from Mrs. Wirth to a campaign employee, Francis Carl Rogers.⁵⁵ The Complaint provides a link to a Venmo transaction from Mrs. Wirth to Rogers that was publicly shown on Venmo on October 10, 2021, with the purpose of “Freedom Fest” for an unspecified amount.⁵⁶ The Responses assert that Mrs. Wirth paid Rogers for “a few homemade shirts, not relating to Mrs. Wirth’s campaign,” on October 10, 2021, and that Rogers did not start working for the campaign until April 2022.⁵⁷

There is no information in the record contradicting the representation that the Venmo transaction reflected Mrs. Wirth purchasing homemade shirts from Rogers irrespective of the campaign or that Rogers was not a campaign employee in 2021 when the Venmo transaction occurred.⁵⁸ Other than establishing that a payment from Mrs. Wirth to Rogers occurred and that Rogers later became a Committee staffer, the Complaint does not provide any specific information to suggest that payment was related to Mrs. Wirth’s election. The fact that Rogers

⁵⁵ Compl. at 2.

⁵⁶ *Id.*

⁵⁷ Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

⁵⁸ Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1; *FEC Disbursements: Filtered Results*, FEC.GOV, [https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00769596&recipient_name=Roger s&two_year_transaction_period=2022&min_date=01%2F01%2F2021&max_date=12%2F31%2F2022](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00769596&recipient_name=Roger%20Wirth&two_year_transaction_period=2022&min_date=01%2F01%2F2021&max_date=12%2F31%2F2022) (last visited May 20, 2023) (reflecting one payment made to Carl Rogers in the 2022 election cycle on March 29, 2022, in the amount of \$2,300 with a description of “Campaign Manager”).

1 later became a staffer does not indicate that payments to him prior to his employment were
 2 related to the election.

3 Accordingly, we recommend that the Commission dismiss the allegation that the
 4 Committee failed to report an expenditure and an in-kind contribution from Mrs. Wirth in
 5 violation of 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 with respect to a disbursement to an
 6 employee or an in-kind contribution from Mrs. Wirth to the Committee resulting from the
 7 payment.

8 **E. The Commission Should Exercise its Prosecutorial Discretion and Dismiss**
 9 **the Allegation that the Committee Violated 52 U.S.C § 30120(a) and**
 10 **11 C.F.R. § 110.11(a)(I), (b)(I), (c)(1)-(2) by not Including a Proper**
 11 **Disclaimer on a Newspaper Advertisement**

12 The Complaint alleges that the Committee failed to include a proper disclaimer on a
 13 newspaper advertisement which used “Paid for by Candidate” rather than “Paid for by Wirth for
 14 Congress.”⁵⁹ The Complaint provides a link to the newspaper advertisement which includes a
 15 Claire Wirth for Congress logo and a disclaimer of “Paid for by Candidate.”⁶⁰ The Responses
 16 assert that the disclaimer was “worded by the local paper” and that in any event, “Paid for by
 17 Candidate” offers no ambiguity who paid for it.⁶¹

18 The newspaper advertisement did not contain the correct disclaimer because it did not
 19 provide the Committee’s full name.⁶² The Commission’s regulations require that for a public
 20 communication, such as a newspaper advertisement, a paid for and authorized by a candidate or
 21 an authorized committee, the disclaimer “must clearly state that the communication has been

⁵⁹ Compl. at 2.

⁶⁰ *Id.*

⁶¹ Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

⁶² 11 C.F.R. § 110.11(b)(I).

1 paid for *by the authorized political committee.*”⁶³ However, the advertisement did contain a
 2 disclaimer stating that it was “[p]aid for by Candidate,” and the advertisement included a picture
 3 of Mrs. Wirth and the Claire Wirth for Congress logo in it, which likely meant viewers would
 4 have known who authorized the advertisement.⁶⁴ The Commission has previously exercised its
 5 prosecutorial discretion in dismissing cases where a political committee failed to include a
 6 correct disclaimer, but information in the advertisement made clear who was responsible for it.⁶⁵

7 Accordingly, we recommend that the Commission exercise its prosecutorial discretion
 8 and dismiss the allegation the Committee violated 52 U.S.C § 30120(a) and 11 C.F.R.
 9 § 110.11(a)(1), (b)(1), (c)(1)-(2) with respect to failing to include the correct disclaimer on a
 10 newspaper advertisement.⁶⁶

⁶³ *Id.* §§ 110.11(b)(1), 100.26 (definition “public communication” to include a communication “by means of any . . . newspaper”).

⁶⁴ Compl. at 2.

⁶⁵ GCR at 1-2, MUR 7518 (Campaign to Elect Josh McCall, *et al.*) (EPS Dismissal) (recommending dismissal of a complaint regarding failure to provide proper disclaimer on yard signs and newspaper advertisement when yard signs and newspaper advertisement contained the campaign slogan “Josh McCall for All”); Cert. ¶ 1 (Dec. 17, 2018), MUR 7518 (Campaign to Elect Josh McCall, *et al.*) (approving dismissal of complaint as a matter of prosecutorial discretion); GCR at 1-2, MUR 7956 (Cody for Oregon, *et al.*) (EPS Dismissal) (recommending dismissal of a complaint regarding failure to use correct disclaimer on television advertisements due to the advertisement featured the candidate speaking and campaign logo for the candidate likely not confusing who was responsible for the advertisements); Cert. ¶ 1 (Jan. 12, 2023), MUR 7956 (Cody for Oregon, *et al.*) (approving dismissal of complaint as a matter of prosecutorial discretion).

⁶⁶ *See Heckler*, 470 U.S. at 831.

F. The Commission Should Exercise its Prosecutorial Discretion and Dismiss the Allegations that the Committee Violated 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 104.3(a) and 104.13(a) by Failing to Report an In-Kind Contribution and Violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by Knowingly Accepting an Excessive Contribution with Respect to the Transfer of a Facebook Account from Christopher Wirth to the Committee and, Dismiss the Allegation that Christopher Wirth Violated 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R. § 110.1(b) by Making an Excessive Contribution

The Complaint raises the allegation that the Committee failed to report an in-kind contribution for the transfer of a Facebook page from Christopher Wirth, the candidate's husband, to the Committee, and also raises the allegation of whether the in-kind contribution would have exceeded the individual contribution limit.⁶⁷ Facebook page "Thank You Trump," which was created on February 18, 2017, became "Claire Wirth-Congressional Candidate for Kentucky's 4th District" on March 27, 2021, and subsequently became "Claire Wirth" on September 2, 2021 (the page still lists Wirth for Congress as responsible for the page).⁶⁸ The Complaint cites to the Meta Ad Library which shows that Mr. Wirth personally purchased \$410 worth of advertisements prior to the alleged transfer when the page was named "Thank You

⁶⁷ Compl. at 2. The Complaint alleges that "[t]his comingling of private and campaign funds, I believe, warrants investigation." *Id.* The Act and Commission regulations require that all funds of a political committee must be "segregated from and may not be commingled with the personal funds of any individual." 52 U.S.C. § 30102(b)(3); 11 C.F.R. § 102.15. However, no information in the record to show that the Committee or Mr. Wirth violated this obligation to segregate committee funds from personal funds. Additionally, all advertisements bought by Mr. Wirth occurred in 2019 before Wirth for Congress was registered with the Commission and no information provided Mrs. Wirth was a candidate in 2019. *Christopher Wirth*, Meta Ad Library, [https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&q=Christopher%20Wirth&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped&search_type=keyword_unordered&media_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&q=Christopher%20Wirth&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&search_type=keyword_unordered&media_type=all) (last visited May 20, 2024) (disclosing last advertisement bought by Christopher Wirth for the social media account occurred in 2019); Wirth for Congress, Statement of Organization at 1.

⁶⁸ *Id.* at 2; *Claire Wirth*, FACEBOOK: Page Transparency, https://www.facebook.com/BuilderClaireKY/about_profile_transparency (last visited May 20, 2024) (disclosing page created on Feb. 18, 2017, with the name "Thank You Trump" until changing to "Claire Wirth-Congressional Candidate for Kentucky's 4th District" on March 27, 2021; currently, the name of page is "Claire Wirth," since September 2, 2021).

Trump,” which allegedly grew the number of followers to the page.⁶⁹ The Facebook page currently has approximately 17,800 followers, but it is unclear how many followers it had at the time of the alleged transfer.⁷⁰ The Responses state that Facebook bans the sale of pages, although they do not specify whether the page was nonetheless sold or transferred or otherwise made available to the Committee, and assert, without providing specifics, that the page was “abandoned” and “had no monetary value.”⁷¹ However, the page shows multiple posts in 2024 contradicting the contention that the page was “abandoned.”⁷²

In order for the Commission to find reason to believe that the Committee received an in-kind contribution for use of the Facebook page and failed to report it, the Commission must resolve two questions. First, whether the transfer or use of a social media account can be an in-kind contribution, *i.e.*, a thing of value.⁷³ Second, if so, whether Mr. Wirth owned the Facebook page and then transferred it or otherwise made it available to the Committee. As explained below, it appears that a social media account may be a thing of value. Additionally, it appears likely that Mr. Wirth owned the Facebook page given that he purchased advertisements for the page and apparently ran the page before it became “Claire Wirth-Congressional Candidate for

⁶⁹ Compl. at 2. The Complaint alleges that “[t]his comingling of private and campaign funds, I believe, warrants investigation.” *Id.* However, all the advertisements bought by Mr. Wirth occurred before the page transferred to “Claire Wirth-Congressional Candidate for Kentucky’s 4th District.” *Christopher Wirth*, Meta Ad Library, [https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&q=Christopher%20Wirth&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped&search_type=keyword_unordered&media_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&q=Christopher%20Wirth&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&search_type=keyword_unordered&media_type=all) (last visited May 20, 2024) (disclosing last advertisement bought by Christopher Wirth for the social media account occurred in 2019).

⁷⁰ *Claire Wirth*, FACEBOOK, <https://www.facebook.com/BuilderClaireKY/> (last visited May 20, 2024).

⁷¹ Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

⁷² *Claire Wirth*, FACEBOOK, <https://www.facebook.com/BuilderClaireKY/> (last visited May 20, 2024).

⁷³ 52 U.S.C. § 30101(8).

1 Kentucky's 4th District."⁷⁴ However, we recommend that the Commission dismiss the
2 allegations that the Committee failed to report an in-kind contribution and that Mr. Wirth made,
3 and the Committee knowingly accepted, an excessive contribution because of the apparent
4 minimal amount in violation.

5 As to the first question, the Commission has not specifically considered whether the
6 transfer or use of a social media account can be an in-kind contribution.⁷⁵ Yet, the Commission
7 has concluded that non-tangible items, such as mailing lists and websites, are assets,⁷⁶ the
8 provision of which would result in an in-kind contribution. There are similarities, in particular,
9 between social media accounts and mailing lists. A mailing list is a compilation of names that
10 have value because they are likely to support or contribute to the accountholder's campaign.
11 Similarly, a social media account with followers includes a compilation of names likely to
12 interact with the accountholder. The person controlling the social media account can contact
13 followers and solicit their support and contributions. Social media accounts can be run by
14 professional staff who work to attract and retain followers in much the same way that a campaign
15 puts resources into developing a traditional list. Paid advertising on social media is a common
16 method of generating additional followers. During the 2022 election cycle, political committees

⁷⁴ Compl. at 2.

⁷⁵ In MUR 8027 (Schmitt for Senate), the Commission considered the factually similar but legally distinct issue of whether posts on a candidate-created social media account were either transfers from the candidate's former state committees or in-kind contributions from the candidate. F&LA at 13-14, MUR 8027 (Schmitt for Senate, *et al.*). In that matter, as in the instant matter, the candidate-created social media page had previously promoted Schmitt's state candidacy and later transitioned to promoting his federal candidacy. *Id.* at 13. The Commission reasoned that, because the "vast majority of content" on the social media page was posted by the candidate himself without compensation, the posts on the account were neither state committee transfers nor were they in-kind contributions from the candidate. *Id.* at 14. The Commission's analysis in that matter focused on the alleged transfer of the communications on the social media pages but did not consider the separate but related issue of whether the account itself was a thing of value that either Schmitt's former state committees or Schmitt himself could have transferred to the federal committee.

⁷⁶ AO 2014-06 at 8 (Ryan) (mailing lists); AO 2011-02 at 6-7 (Brown) (websites).

1 reported over \$11 million in spending for purposes related to “social media,” such as social
 2 media consulting, social media advertising, and social media outreach.⁷⁷ It is unclear whether a
 3 social media account can be owned by the accountholder, since platforms such as Facebook
 4 retain important rights of control. However, the transfer of the account to someone else, or
 5 allowing someone else to use the account, is potentially valuable since the recipient would have
 6 access to the contact information of members of the page, much like the recipient of a mailing
 7 list. Thus, it appears that the Facebook page is a thing of value, the provision of which could
 8 result in an in-kind contribution that the Committee would have to report and that would be
 9 subject to the contribution limits.⁷⁸

10 As to the second question, the available information suggests that Mr. Wirth might have
 11 owned the Facebook page and then transferred it to the Committee. Mr. Wirth purchased \$410
 12 worth of advertisements for the page in 2019 when it was titled “Thank you Trump.”⁷⁹ Then, on
 13 March 27, 2021, the name was changed to “Claire Wirth – Congressional Candidate for
 14 Kentucky’s 4th District,” indicating that a transfer occurred at that time. Further, the Committee
 15 was only registered on February 16, 2021, whereas the “Thank You Trump” page was created on
 16 February 18, 2017, meaning that someone other than the Committee must have created the page

⁷⁷ *Disbursements: 2021-2022*, FEC.GOV,
https://www.fec.gov/data/disbursements/?data_type=processed&min_date=01%2F01%2F2021&max_date=12%2F31%2F2022&disbursement_description=social+media (last visited May 20, 2024).

⁷⁸ 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. §§ 110.1(a)-(b); 110.9; *see also* Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 86 Fed. Reg. 7867, 7869 (Feb. 2, 2021).

⁷⁹ Compl. at 2; *Christopher Wirth*, Meta Ad Library,
[https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&q=Christopher%20Wirth&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped&search_type=keyword_unordered&media_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&q=Christopher%20Wirth&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&search_type=keyword_unordered&media_type=all) (last visited May 20, 2024) (disclosing last advertisement bought by Christopher Wirth for the social media account occurred in 2019).

1 and run it for approximately four years, likely Mr. Wirth since during that time he was personally
 2 purchasing ads for the Facebook page.⁸⁰ The Response by the Committee and Mrs. Wirth does
 3 not address who owned the Facebook page before it was transferred to the Committee.⁸¹
 4 Additionally, the Committee did not report any in-kind contribution for the use of the page.
 5 Also, Mr. Wirth did not respond in his personal capacity regarding the allegation.

6 Arguably, if a social media account is akin to a mailing list and therefore a thing of value
 7 because it contains the names of followers who are likely to support or donate to the person
 8 controlling the account, then allowing a committee to use a social media account without charge
 9 may be an in-kind contribution that must be reported by the recipient committee.⁸² However,
 10 while use of the Facebook page has value, it is not clear that the amount here is worth the use of
 11 the Commission's limited resources to pursue. The Facebook page currently has about 17,800
 12 followers, but presumably had fewer followers at the time of transfer in 2021. Additionally, the
 13 Committee reported making over \$35,000 worth of purchases to Facebook, which could have
 14 increased the number of followers.⁸³ This is compared to the \$410 that Mr. Wirth paid for ads

⁸⁰ Wirth for Congress, Statement of Organization at 1; *Claire Wirth*, FACEBOOK: Page Transparency, https://www.facebook.com/BuilderClaireKY/about_profile_transparency (last visited May 20, 2024).

⁸¹ Wirth for Congress Resp. at 1; Claire Wirth Resp. at 1.

⁸² See *JLM Couture, Inc. v. Gutman*, 24 F.4th 785, 797-801 (2d Cir. Jan. 25, 2022) ("JLM and Gutman agree that the Disputed Accounts are property belonging to one of them, but they disagree vigorously about whose accounts they are . . . [W]e conclude that the district court exceeded its discretion by effectively assigning valuable assets to JLM without first determining whether the company likely owns them."); *In re CTLL, LLC*, 528 B.R. 359, 366-367 (Bankr. S.D. Tex. 2015) (finding that business social media accounts are property interests for bankruptcy and estate law purposes, and noting that while, under Texas estate law, a "property interest in an individual Profile would likely not become property of the estate[.]" the "official Page of a celebrity or public figure that is managed by employees might be treated differently.").

⁸³ *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00769596&recipient_name=Facebook&two_year_transaction_period=2022&two_year_transaction_period=2024&min_date=01%2F01%2F2021&max_date=12%2F31%2F2024 (last visited May 10, 2024) (reflecting 94 expenditures reported by the Committee to Facebook totaling \$37,471.34).

on Facebook (although it is possible he could have spent a considerable amount of time generating followers through organic posts). Also, considering that the name of the Facebook page was previously “Thank You Trump,” it is unlikely that the followers generated prior to the transfer were specific to Kentucky’s 4th district, decreasing the value of the names that the committee would have acquired.

Therefore, given the apparently minimal value of the Facebook page and in light of the Commission’s limited resources that would need to be expended to determine the value, the Commission should exercise its prosecutorial discretion and dismiss the allegation that the Committee violated 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 104.3(a) and 104.13(a) by failing to report an in-kind contribution and violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by knowingly accepting an excessive contribution from Christopher Wirth.⁸⁴ The Commission should similarly exercise its prosecutorial discretion and dismiss the allegation that Christopher Wirth violated 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R. § 110.1(b) by making an excessive contribution to the Committee. Finally, the Commission should similarly exercise its prosecutorial discretion and dismiss the allegation that Claire Wirth violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by accepting an excessive contribution from Christopher Wirth for the Facebook account.

III. RECOMMENDATIONS

1. Dismiss the allegation that Wirth for Congress and Christopher Wirth in his official capacity as treasurer failed to report an expenditure in violation of 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 with respect to the disbursement to Cameo for a video purchase;
2. Dismiss the allegation that Wirth for Congress and Christopher Wirth in his official capacity as treasurer failed to report to report an in-kind contribution in

⁸⁴ See *Heckler*, 470 U.S. at 831-32.

violation of 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 104.3(a) and 104.13(a), and accepting an excessive or prohibited contribution in violation of 52 U.S.C. §§ 30116(f) and 30118(a) and 11 C.F.R. § 110.9 with respect to the use of a party van;

3. Dismiss the allegation that Claire Wirth accepted an excessive or prohibited contribution in violation of 52 U.S.C. §§ 30116(f) and 30118(a) and 11 C.F.R. §§ 110.9 and 114.2(d) with respect to the use of a party van;

4. Dismiss the allegation that Wirth for Congress and Christopher Wirth in his official capacity as treasurer failed to report an expenditure in violation of 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 with respect to a disbursement to a campaign employee;

5. Dismiss the allegation that Wirth for Congress and Christopher Wirth in his official capacity as treasurer failed to use the correct disclaimer in violation of 52 U.S.C. § 30120(a) and 11 C.F.R. §§ 110.11(a)(l), (b)(l), (c)(1)-(2) with respect to a newspaper advertisement;

6. Dismiss the allegation that Wirth for Congress and Christopher Wirth in his official capacity as treasurer failed to report an in-kind contribution in violation of 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 104.3(a) and 104.13(a), and accepted an excessive contribution in violation of 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 with respect to the transfer of a Facebook account from Christopher Wirth;

7. Dismiss the allegation that Christopher Wirth made an excessive contribution to Wirth for Congress and Christopher Wirth in his official capacity as treasurer in violation of 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R. § 110.1(b) with respect to the transfer of a Facebook account;

8. Dismiss the allegation that Claire Wirth in her role as candidate of the Committee accepted an excessive contribution in violation of 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 with the transfer of a Facebook account from Christopher Wirth;

9. Dismiss the allegations that Claire Wirth failed to report to report an in-kind contribution in violation of 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 104.3(a) and 104.13(a) for by failing to report the alleged in-kind contributions because she was the candidate not the treasurer and therefore had no personal reporting obligations;

10. Approve the attached Factual and Legal Analysis;


11. Approve the appropriate letters; and

12. Close the file effective 30 days from the date of certification of this vote (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday).

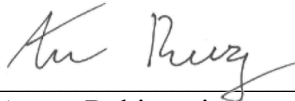
Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel for
Enforcement

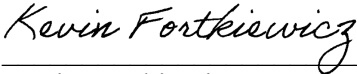
Date: June 20, 2024



Claudio J. Pavia
Deputy Associate General Counsel
for Enforcement



Aaron Rabinowitz
Assistant General Counsel



Kevin Fortkiewicz
Attorney

Attachment:

1) Factual and Legal Analysis