

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Kistner for Congress and Thomas) MURs 7951 and 8003
Datwyler in his official capacity as)
treasurer; Tyler Kistner)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on January 24, 2023, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to:
 - a. Find reason to believe that Tyler Kistner and Kistner for Congress and Thomas Datwyler in his official capacity as treasurer violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.1(g) by converting campaign funds to personal use.
 - b. Dismiss the allegation that Kistner for Congress and Thomas Datwyler in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(5)(A) and 11 C.F.R. § 104.3(b)(4)(i) by failing to provide an adequate purpose for the disbursements.
 - c. Approve the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated November 29, 2022.
 - d. Authorize the use of compulsory process.
 - e. Approve the appropriate letters.

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

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2. Failed by a vote of 3-3 to:

Find no reason to believe that Tyler Kistner and Kistner for Congress and Thomas Datwyler in his official capacity as treasurer violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.1(g) by converting campaign funds to personal use.

Commissioners Cooksey, Dickerson, and Trainor voted affirmatively for the motion.

Commissioners Broussard, Lindenbaum, and Weintraub dissented.

3. Decided by a vote of 5-0 to:

Dismiss the allegation that Kistner for Congress and Thomas Datwyler in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(5)(A) and 11 C.F.R. § 104.3(b)(4)(i) by failing to provide an adequate purpose for the disbursements.

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

4. Decided by a vote of 6-0 to:

- a. Close the file.
- b. Issue the appropriate letters.

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



Attest:

**Vicktoria J
Allen**


 Digitally signed by Vicktoria J
Allen
 Date: 2023.01.27 21:08:29
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Vicktoria J. Allen
 Acting Deputy Secretary of the
 Commission