

RECEIVED  
FEDERAL ELECTION COMMISSION  
JULY 27, 2022 10:55 AM  
OFFICE OF GENERAL COUNSEL

BEFORE THE  
FEDERAL ELECTION COMMISSION

Laurie Lytel

Las Vegas, NV 89117

**MUR 8039**

Complainant,

v.

April Becker  
50 S Jones Blvd #201  
Las Vegas, N.V. 89107

Becker for Congress and Cameron Phillips  
50 S Jones Blvd #201  
Las Vegas, N.V. 89107

Respondents.

**COMPLAINT**

This complaint is filed under 52 U.S.C. § 30109(a)(1) against April Becker, her principal campaign committee, Becker for Congress (the “Committee”), and Cameron Phillips in his official capacity as treasurer, collectively the “Respondents,” for violating the Federal Election Campaign Act of 1971, as amended (the “Act”) and Federal Election Commission (the “FEC” or “Commission”) regulations. Specifically, Respondents have failed to report the ultimate vendors for over 20 disbursements Becker made on behalf of her congressional campaign. By failing to properly report these disbursements, Respondents are denying the public vital information regarding their political spending that the voters in Nevada’s 3<sup>rd</sup> congressional district deserve to know. The Commission should find reason to believe that Respondents violated the Act’s reporting requirements, immediately investigate these violations, and take appropriate remedial action against Respondents.

## FACTS

April Becker is a candidate for election to the U.S. House of Representatives in Nevada's 3rd Congressional District.<sup>1</sup> Becker for Congress is Becker's principal campaign committee and Cameron Phillips is its treasurer.<sup>2</sup>

Between April 2021 and September 2021, the Committee disclosed that Becker made at least 26 in-kind contributions to her campaign, as detailed in the chart below, totaling \$14,396.58:<sup>3</sup>

	Date	In-Kind Contribution	Amount
1.	4/21/2021	Office Supplies	\$99.00
2.	4/21/2021	Office Supplies	\$249.00
3.	4/21/2021	Office Supplies	\$1,298.95
4.	4/21/2021	Meeting Registration Fees	\$2,000.00
5.	6/19/2021	Travel	\$148.95
6.	6/24/2021	Catering	\$396.60
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19.	7/28/2021	Travel	\$410.81

<sup>1</sup> Fed. Elec. Comm'n Form 2, Statement of Candidacy of April Becker (Dec. 7, 2021), <https://docquery.fec.gov/pdf/217/202112079469813217/202112079469813217.pdf>.

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<sup>3</sup> Fed. Elec. Comm'n Form 3, Becker for Congress July 2021 Amended Quarterly Report at 96-97 (Oct. 15, 2021), <https://docquery.fec.gov/pdf/570/202110159467896570/202110159467896570.pdf> ("Becker for Congress July 2021 Amended Quarterly Report"); Becker for Congress Oct. 2021 Quarterly Report at 153-59 (Oct. 15, 2021), <https://docquery.fec.gov/pdf/250/202110159467897250/202110159467897250.pdf> ("Becker for Congress October 2021 Quarterly Report").

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26.	9/28/2021	Catering & Facility Fees	\$400.00
			<b>TOTAL: \$14,396.58</b>

Likewise, the Committee disclosed Becker's in-kind contributions as expenditures on its quarterly reports. However, the Committee provided no additional information regarding the ultimate recipient of Becker's funds.<sup>4</sup>

#### LEGAL DISCUSSION

Under the Act, a political committee must accurately report all contributions received and expenditures made on its disclosure reports.<sup>5</sup> The Act defines "contribution" and "expenditure" to include "anything of value," which includes in-kind contributions.<sup>6</sup> An "in-kind" contribution is any service or other thing of value provided to the committee.<sup>7</sup>

Candidates can pay for campaign expenditures with personal funds, but they must treat any expenditures that are not reimbursed by the campaign as in-kind contributions from the candidate to the campaign.<sup>8</sup> The committee must report each in-kind contribution it receives as a contribution and as an expenditure. In addition, if the candidate's payments to any single vendor

<sup>4</sup> Becker for Congress July 2021 Amended Quarterly Report at 98-99; Becker for Congress October 2021 Quarterly Report at 162-69.

<sup>5</sup> 52 U.S.C. § 30104(a)(2); 11 C.F.R. § 104.3(a), (a)(3)(ii).

<sup>6</sup> 52 U.S.C. § 30101(8)(A)(i), (9)(A)(i).

<sup>7</sup> 11 C.F.R. § 100.51(a).

<sup>8</sup> *Id.* § 104.3(3)(ii); Fed. Elec. Comm'n "How to Report In-kind contributions from the candidate," (last accessed May 31, 2022), <https://www.fec.gov/help-candidates-and-committees/filing-reports/-kind-contributions-candidate/>.

exceed \$200 during the election cycle, the committee must identify the ultimate payee, *i.e.*, the vendor, in a separate memo entry.<sup>9</sup>

In clear violation of these requirements, Respondents have repeatedly failed to disclose the ultimate payee for at least 26 in-kind contributions Becker made to her campaign committee. Although the Committee disclosed Becker's in-kind contributions as contributions, when the Committee disclosed these as expenditures, it did not include any of the required memo entries. For instance, Becker personally made a \$1,000 payment for "Membership Dues" on July 31, 2022,<sup>10</sup> but without information on the recipient of this payment, there is no way for the public to know how this payment was related to Becker's campaign. Similarly, Becker personally paid over \$3,500 in what the Committee described as "Meeting Registration Fees,"<sup>11</sup> but without information on the ultimate vendor, there is no way of reasonably identifying these meetings and their possible connection to Becker's candidacy. Tellingly, Respondents knew how to properly report these expenditures because they did so in at least one instance. The Committee specifically disclosed making a \$1,240 disbursement to Matt Becker with the following notation: "See Below/Printing and Production,"<sup>12</sup> and immediately below this main entry is the required memo entry. The memo entry identifies Findlay Customs as the ultimate payee for the \$1,240 disbursement and "Printing and Production" as the purpose of the disbursement. That the Committee knew how to properly report the ultimate payee in this instance is compelling evidence that Respondents knew exactly how to comply with the law but chose not to do so for

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<sup>9</sup> 11 C.F.R. § 104.13(a). For individual contributions, committees must identify each person whose contribution or contributions aggregate in excess of \$200 per calendar year during the election cycle, along with the date of receipt and the amount of the contribution. *Id.* § 104.3(a)(4)(i). Likewise, committees must identify each person to whom they make expenditures aggregating more than \$200 per election cycle, as well as the date, amount, and purpose of the expenditure. *Id.* § 104.3(b)(4)(i).

<sup>10</sup> Becker for Congress October 2021 Quarterly Report at 158, 168.

<sup>11</sup> Becker for Congress July 2021 Amended Quarterly Report at 96, 98; Becker for Congress October 2021 Quarterly Report at 155, 164-165.

<sup>12</sup> Becker for Congress July 2021 Amended Quarterly Report at 100.

the rest of the expenditures. The public deserves to know the details behind these thousands of dollars of disbursements made by Becker:

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		<b>TOTAL: \$14,396.58</b>

#### REQUESTED ACTION

As I have shown, Respondents violated the Act and Commission regulations by failing to comply with the reporting requirements in connection with Becker's in-kind contributions. Specifically, Respondents failed to report the ultimate payee of at least 26 in-kind contributions

5/6

made by Becker to her principal campaign committee. As such, I respectfully request that the Commission immediately investigate these violations, fine Respondents the maximum amount permitted by law, and enjoin Respondents from further violations of the law.

Sincerely,

  
Laurie Lytel

Las Vegas, NV 89117

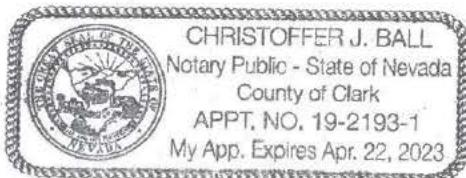
*State of Nevada  
County of Clark*

SUBSCRIBED AND SWORN to before me this 26 day of July 2022.

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notary Public

My Commission Expires: *Apr. 22, 2023*



b1b

**From:** [oaccela](#)  
**To:**  
**Subject:** Becker for Congress  
**Date:** Wednesday, July 20, 2022 12:02:15 PM

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Dear Ms. Lytel:

This is in response to your email to the Federal Election Commission (the “Commission”), received on July 18, 2022. The Commission is an independent regulatory agency charged with administering and enforcing the Federal Election Campaign Act of 1971, as amended (the “Act”), and Chapters 95 and 96 of Title 26, United States Code.

The Act and Commission regulations require that a complaint meet certain requirements. Your email does not meet these requirements. **Specifically, your submission was not sworn to, as required under the Act as it does not include a month.** Consequently, the Commission can take no action at this time unless the allegations are refiled meeting the requirements for a properly filed complaint.

If you desire the Commission to look into the matters discussed in your email, please clearly describe the facts regarding each allegation and how they violate the Act. We have provided below a listing and description of the required prerequisites to file a legally sufficient complaint, along with some suggested items that should be included in your resubmission in order to assist the Commission in processing the matter.

- (1) A formal complaint should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction. (11 C.F.R. § 111.4).
- (2) Its contents must be sworn to and signed in the presence of a notary public and shall be notarized. (52 U.S.C. § 30109(a)(1); 11 C.F.R. § 111.4(b)(2)). The notary must indicate as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this \_\_\_\_ day of \_\_\_\_, 2021."
- (3) A formal complaint should be accompanied by supporting documentation if known and available to the person making the complaint. (11 C.F.R. § 111.4).
- (4) A complaint must be in writing. (52 U.S.C. § 30109(a)(1)).
- (5) A formal complaint must contain the full name and address of the person making the complaint. (11 C.F.R. § 111.4).

- (6) A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. (11 C.F.R. § 111.4).
- (7) A formal complaint should identify the source of information upon which the complaint is based. (11 C.F.R. § 111.4).

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

For further information on filing a complaint, please visit our website at <https://www.fec.gov/legal-resources/enforcement/complaints-process/>.

Sincerely,

Trace D. Keeys  
Federal Election Commission  
Office of General Counsel/Complaints Examination and Legal Administration  
1050 First Street, NE  
Washington, DC 20463  
[ogccela@fec.gov](mailto:ogccela@fec.gov)

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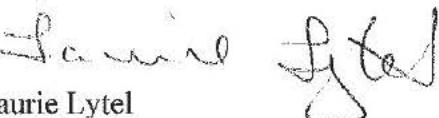
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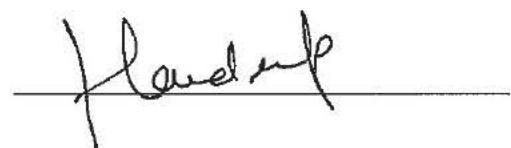
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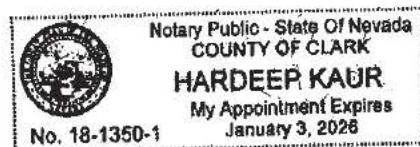
  
Laurie Lytel

Las Vegas, NV 89117

SUBSCRIBED AND SWORN to before me this 16 day of 2022

  
Notary Public

My Commission Expires: Jan 3, 2026



6/6