



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

November 21, 2023

**Via Electronic Mail**

Christopher M. Marston  
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RE: MUR 8091  
Beth Harwell, *et al.*

Dear Mr. Marston:

On November 22, 2022, the Federal Election Commission notified your clients, Beth Harwell, Beth Harwell (House 18), and Tennesseans for Good State Government, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your clients at that time.

After reviewing the allegations contained in the complaint and your clients' response, the Commission, on November 16, 2023, found reason to believe that your clients violated 52 U.S.C. § 30125(e)(1)(A). The Factual and Legal Analysis which formed the basis for the Commission's finding is enclosed for your information.

In order to expedite the resolution of this matter, the Commission has authorized the Office of the 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 to you as a way to resolve this matter at an early stage and without the need for briefing the issue of whether or not the Commission should find probable cause to believe that your client violated the law.

Enclosed is a conciliation agreement for your clients' consideration

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

If your clients are interested in engaging in pre-probable cause conciliation, please contact Christopher S. Curran, the attorney assigned to this matter, at (202) 694-1362 or [ccurran@fec.gov](mailto:ccurran@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

MUR 8091 (Beth Harwell, *et al.*)

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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 30 days. *See* 52 U.S.C. § 30109(a), 11 C.F.R. Part 111 (Subpart A). Conversely, if your clients 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).

We look forward to your response.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Dara Lindenbaum", with a long, sweeping horizontal stroke extending to the right.

Dara Lindenbaum  
Chair

Enclosures

Factual and Legal Analysis with Attachments

1 **FEDERAL ELECTION COMMISSION**

2  
3 **FACTUAL AND LEGAL ANALYSIS**

4  
5 **RESPONDENTS:** Beth Harwell **MUR: 8091**  
6 Beth Harwell (House 18)  
7 Tennesseans for Good State Government  
8

9 **I. INTRODUCTION**

10 On July 22, 2022, Beth Harwell (House 18) (the “State Committee”),<sup>1</sup> a Tennessee  
11 single-candidate committee established by former member of the Tennessee House of  
12 Representatives and 2022 Congressional candidate Beth Harwell, contributed \$35,000 to  
13 Government of the People (“GOTP”), an independent expenditure-only political committee.  
14 That same day, Tennesseans for Good State Government (the “State PAC”),<sup>2</sup> a Tennessee state  
15 political committee also established by Harwell, contributed \$12,000 to GOTP.

16 The Complaint asserts that the State Committee and the State PAC are entities  
17 established, financed, maintained or controlled (“EFMC’d”) by Harwell, a federal candidate, and  
18 that their contributions to GOTP included funds that were not subject to the limitations,  
19 prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971, as  
20 amended (the “Act”) (“nonfederal funds”) which were then spent supporting Harwell’s federal  
21 candidacy and opposing her primary election opponent. As a result, the Complaint alleges,  
22 Harwell, the State Committee, and the State PAC violated the soft money provisions of the Act,

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<sup>1</sup> The Complaint makes allegations against the “Beth Harwell Committee.” Compl. at 1, 5-6 (Nov. 15, 2022). It appears that the legal name of that committee is Beth Harwell (House 18). *See Search Reports*, TENN. ONLINE CAMPAIGN FINANCE, <https://apps.tn.gov/tncamp/public/repsearch.htm> (search for “Harwell” and select the 4th Quarter 2018 report for “Harwell (House 18), Beth”) (last visited Oct. 10, 2023)(showing the same ending cash on hand as the “Harwell Committee” discussed in the joint response from Harwell, the State Committee, and the State PAC (the “Harwell Response”).

<sup>2</sup> The State PAC was formerly called Harwell PAC but changed its name in 2017 to Tennesseans for Good State Government. Harwell Resp. at 2 (Apr. 4, 2023).

1 by directing or transferring nonfederal funds in connection with a federal election. Harwell, the  
2 State Committee, and the State PAC deny violating the Act.

3 For the reasons set forth below, the State Committee and the State PAC are entities  
4 EFMC'd by Harwell within the meaning of 52 U.S.C. § 30125(e)(1). Accordingly, because the  
5 record indicates that the State Committee and the State PAC transferred nonfederal funds to  
6 GOTP in connection with an election for federal office, the Commission finds reason to believe  
7 that Harwell, the State Committee, and the State PAC violated 52 U.S.C. § 30125(e)(1)(A).

## 8 **II. BACKGROUND**

9 Beth Harwell is a former member of the Tennessee House of Representatives.<sup>3</sup> She  
10 served as speaker from 2011 to 2018.<sup>4</sup> The State Committee is a state-level single-candidate  
11 committee established to “support [Harwell’s] political undertakings as the leader of her party’s  
12 state house caucus.”<sup>5</sup>

13 The State PAC is a state-level multi-candidate committee established by Harwell in  
14 2006.<sup>6</sup> Harwell serves as President of the State PAC.<sup>7</sup>

15 On February 24, 2022, Harwell announced her federal candidacy to represent  
16 Tennessee’s newly-drawn 5th Congressional District.<sup>8</sup> She filed her Statement of Candidacy the

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<sup>3</sup> Speaker Beth Harwell, TENN. GEN. ASSEMB., <https://www.capitol.tn.gov/house/archives/107GA/members/h56.html> (last visited Oct. 10, 2023).

<sup>4</sup> House Archives 1870 to Present, TENN. GEN. ASSEMB., <http://www.capitol.tn.gov/house/archives/> (last visited Oct. 10, 2023).

<sup>5</sup> Harwell Resp. at 1-2; *Search Reports*, TENN. ONLINE CAMPAIGN FINANCE, <https://apps.tn.gov/tncamp/public/repsearch.htm> (search 2018 1st Quarter Reports for “Harwell”).

<sup>6</sup> Harwell Resp. at 2.

<sup>7</sup> *Id.*

<sup>8</sup> See Nate Rau, *Beth Harwell Enters District 5 Congressional Race*, AXIOS (Feb. 25, 2022), <https://www.axios.com/local/nashville/2022/02/25/beth-harwell-enters-congressional-race-district-5>.

1 same day.<sup>9</sup> Her principal campaign committee is Harwell for Congress.<sup>10</sup> Harwell lost the  
2 Republican primary election on August 4, 2022.<sup>11</sup>

3 GOTP incorporated in Tennessee on July 13, 2022, and it registered with the  
4 Commission as an independent expenditure-only political committee on July 20, 2022.<sup>12</sup> It  
5 received \$35,000 from the State Committee on July 22, 2022.<sup>13</sup> GOTP also received \$12,000  
6 from the State PAC on July 22, 2022.<sup>14</sup> Six days later, it reported spending \$90,084 on  
7 broadcast ads supporting Harwell or opposing her Republican primary election opponent Andy  
8 Ogles.<sup>15</sup> GOTP reported additional independent expenditures of \$19,475 on August 2, 2022, and  
9 \$3,580 on August 4, 2022, again in support of Harwell or opposing Ogles, and did not make any

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<sup>9</sup> Beth Harwell, Statement of Candidacy at 1 (Feb. 24, 2022), <https://docquery.fec.gov/pdf/060/202202249493674060/202202249493674060.pdf>.

<sup>10</sup> Harwell for Congress, Statement of Org. at 1 (Feb. 24, 2022), <https://docquery.fec.gov/pdf/051/202202249493674051/202202249493674051.pdf>.

<sup>11</sup> STATE OF TENN., Republican Primary Results at 2 (Aug. 4, 2022), <https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20220804RepublicanPrimarybyCounty.pdf>.

<sup>12</sup> Government of the People, Statement of Organization (July 20, 2022), <https://docquery.fec.gov/pdf/588/202207209522341588/202207209522341588.pdf>; *Business Information Search*, TENN. SEC'Y OF STATE, <https://tnbear.tn.gov/Ecommerce/FilingSearch.aspx> (search "Government of the People") (last visited Oct. 10, 2023).

<sup>13</sup> Government of the People, Amended 2022 October Quarterly Report at 11 (Jan. 11, 2023), <https://docquery.fec.gov/pdf/561/202301119574673561/202301119574673561.pdf>; *Search Reports*, TENN. ONLINE CAMPAIGN FINANCE, <https://apps.tn.gov/tncamp/public/repsearch.htm>, <https://apps.tn.gov/tncamp/public/cpsearch.htm> (search "Harwell" in "Annual Year End Supplemental" reports for 2022) (last visited Oct. 10, 2023) (showing \$35,000 contribution to GOTP).

<sup>14</sup> Government of the People, Amended 2022 October Quarterly Report at 11 (Jan. 11, 2023), <https://docquery.fec.gov/pdf/561/202301119574673561/202301119574673561.pdf>; *Search Reports*, TENN. ONLINE CAMPAIGN FINANCE, <https://apps.tn.gov/tncamp/public/repsearch.htm> (search "Tennesseans for Good Government" in "Pre-Primary" reports for 2022) (last visited Oct. 10, 2023) (showing \$12,000 contribution to GOTP).

<sup>15</sup> Government of the People, 24/48 Hour Report of Independent Expenditures (July 28, 2022), <https://docquery.fec.gov/pdf/507/202207289525071507/202207289525071507.pdf>; Erik Schelzig, *New Local SuperPAC Running Ads Supporting Harwell*, THE TENN. JOURNAL (July 30, 2022), <https://onthehill.tnjournal.net/new-super-pac-running-supporting-harwell/>.

1 more independent expenditures that election cycle.<sup>16</sup> For the 2022 election cycle, GOTP  
2 received \$123,500 in total contributions from fifteen contributors and spent a total of  
3 \$113,139.50 on independent expenditures, all of which supported Harwell or opposed Ogles.<sup>17</sup>  
4 Since August 31, 2022, GOTP has not received any contributions or made any expenditures and  
5 has \$5,030.40 remaining cash on hand.<sup>18</sup>

## 6 **A. The Complaint**

7 The Complaint asserts that Harwell was a federal candidate from February 2022 through  
8 the Tennessee primary election on August 4, 2022.<sup>19</sup> The Complaint also states that the State  
9 Committee and the State PAC are entities EFMC'd by Harwell and that she directed the State  
10 Committee and State PAC to make contributions to GOTP on July 22, 2022.<sup>20</sup> The Complaint  
11 further states that those contributions were comprised of nonfederal funds, which were then spent  
12 on independent expenditures supporting Harwell's federal candidacy and opposing her primary  
13 opponent between July 27, 2022 and August 1, 2022.<sup>21</sup> As a result, the Complaint alleges that  
14 Harwell, the State Committee, and the State PAC violated 52 U.S.C. § 30125(e)(1)(A) by  
15 directing or transferring nonfederal funds in connection with a federal election.<sup>22</sup>

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<sup>16</sup> Government of the People, 24/48 Hour Report of Independent Expenditures (Aug. 4, 2022), <https://docquery.fec.gov/pdf/188/202208049525120188/202208049525120188.pdf> (reporting \$3,580 on GOTV texts and GOTV calls); Government of the People, 24/48 Hour Report of Independent Expenditures (Aug. 2, 2022), <https://docquery.fec.gov/pdf/562/202208029525110562/202208029525110562.pdf> (reporting \$19,475 spent on broadcast TV and GOTV efforts).

<sup>17</sup> *Government of the People: Financial Summary*, FEC.GOV, <https://www.fec.gov/data/committee/C00821009/?tab=summary> (last visited Sept. 26, 2023).

<sup>18</sup> *Id.*

<sup>19</sup> Compl. at 5.

<sup>20</sup> *Id.* at 5-6.

<sup>21</sup> *Id.* at 2-3, 5-6.

<sup>22</sup> *Id.*

1           **B.     The Response**

2           The Response from Harwell, the State Committee, and the State PAC makes several  
3 arguments in support of its request that the Commission find no reason to believe. *First*, the  
4 Harwell Response contends that the State Committee and State PAC were not EFMC'd within  
5 the meaning of 52 U.S.C § 30125(e)(1) because the relationship between Harwell and the  
6 committees satisfies only two out of the ten affiliation factors set forth in the Commission's  
7 regulatory definition of EFMC.<sup>23</sup> *Second*, the Harwell Response argues that the State PAC's  
8 contributions to GOTP consisted "primarily" of federal funds and that the State Committee's  
9 contributions included "some" federal funds.<sup>24</sup> *Third*, the Harwell Response cites MUR 7114  
10 (Casperson for Congress, *et al.*) and MUR 7337 (Debbie Lesko, *et al.*) as examples of cases  
11 where the Commission has either voted to dismiss or voted to take no action and states that a  
12 different decision in this matter would be "unfair."<sup>25</sup> *Fourth*, the Harwell Response argues that  
13 if Harwell EFMC'd the State Committee and State PAC as alleged, enforcement would raise  
14 constitutional concerns because she would be both the donor and recipient (because the funds  
15 would support her own election), making a *quid pro quo* arrangement impossible.<sup>26</sup>

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<sup>23</sup>       *See* Harwell Resp. at 3-4 (citing Statement of Commissioner Lee E. Goodman on the "Established, Financed, Maintained or Controlled" Doctrine (Feb. 26, 2018)).

<sup>24</sup>       *Id.* at 4-5.

<sup>25</sup>       *Id.* at 5.

<sup>26</sup>       *Id.* at 5.

1     **III.     LEGAL ANALYSIS**

2  
3           **A.     There is Reason to Believe that Harwell, the State Committee, and the State**  
4           **PAC Violated 52 U.S.C. § 30125(e)(1)(A)**

5                   1.     Legal Standard

6  
7           The Act and Commission regulations prohibit candidates, individuals holding Federal  
8 office, agents of a candidate or an individual holding Federal office, or an entity directly or  
9 indirectly *established, financed, maintained, or controlled* by or acting on behalf of one or more  
10 candidates or individuals holding Federal office from “solicit[ing], receiv[ing], direct[ing],  
11 transfer[ing], or spend[ing] funds in connection with an election for Federal office, including  
12 funds for any Federal election activity, unless the funds are subject to the limitations,  
13 prohibitions, and reporting requirements of this Act.”<sup>27</sup>

14           This prohibition reinforces 52 U.S.C § 30125(a)<sup>28</sup> by preventing federal candidates and  
15 officeholders—who controlled the national committees of the political parties—from  
16 circumventing the prohibitions applying to national committees by controlling ostensibly  
17 separate entities that could accept and spend nonfederal funds.<sup>29</sup>

18           The Commission defines the phrase *established, financed, maintained or controlled* by  
19 examining a non-exhaustive list of ten affiliation factors set forth in 11 C.F.R. § 300.2(c)(2).  
20 The factors “must be examined in the context of the overall relationship between the [candidate]

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<sup>27</sup> 52 U.S.C § 30125(e)(1)(A); 11 C.F.R. § 300.61.

<sup>28</sup> *See McConnell v. FEC*, 540 U.S. 93, 133 (2003) (“The remaining provisions of new FECA § 323 largely reinforce the restrictions in § 323(a)”).

<sup>29</sup> *See id.* at 121, 133.



1 and the entity to determine whether the presence of any factor or factors is evidence that the  
 2 [candidate] directly or indirectly [EFMC'd] the entity.”<sup>30</sup> The ten factors are:

- 3 (i) A controlling interest in an entity’s voting stock or securities;
- 4 (ii) Authority or ability to direct or participate in the governance of the entity,  
5 “formal or informal;”
- 6 (iii) Authority or ability to hire, appoint, demote, or otherwise control an  
7 entity’s officers or other decision-making employees or members;
- 8 (iv) Common or overlapping members with an entity;
- 9 (v) Common or overlapping officers or employees with an entity;
- 10 (vi) Having members, officers, or employees who were former members,  
11 officers, or employees of an entity;
- 12 (vii) Providing an entity “funds or goods in a significant amount or on an  
13 ongoing basis” such as through direct and indirect payments for  
14 administrative, fundraising, or other costs;
- 15 (viii) Causing or arranging “funds or goods in a significant amount or on an  
16 ongoing basis” to be provided to an entity;
- 17 (ix) Having “an active or significant role in the formation of an entity;”
- 18 (x) Similar patterns of receipts or disbursements with an entity.<sup>31</sup>

19 2. The State Committee and the State PAC Are Entities EFMC'd by or  
 20 Acting on Behalf of a Federal Candidate that Spent Nonfederal Funds in  
 21 Connection with a Federal Election

22 a. The State Committee and State PAC are EFMC'd by Harwell

23  
 24 The Commission has determined that a state campaign committee of a federal candidate  
 25 is, as a matter of law, EFMC'd by the federal candidate and is acting on that candidate's behalf.<sup>32</sup>  
 26 Here, the acknowledged purpose of the State Committee was to support Harwell's “political

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<sup>30</sup> See 11 C.F.R. § 300.2(c); Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money, Final Rules, 67 Fed. Reg. 49064, 49084 (July 29, 2002).

<sup>31</sup> 11 C.F.R. § 300.2(c). In promulgating the rule which defines “EFMC,” the Commission “recast” the existing affiliation factors found at 11 C.F.R. § 100.5(g)(4)(ii) in order to apply the existing affiliation concepts in a different context. Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money, 67 Fed. Reg. 49064, 49084 (July 29, 2002). Committees that are affiliated, that is, committees that are established, financed, maintained, or controlled by the same corporation, labor organization, person or group of persons, share a single limitation on the amount they can accept from any one contributor. 11 C.F.R. §§ 100.5(g), 110.3(a)(1), 110.3(a)(3)(ii).

<sup>32</sup> See Factual and Legal Analysis (“F&LA”) at 8, MUR 7853 (Lance Harris, *et al.*); F&LA at 6, MUR 7337 (Debbie Lesko and Re-Elect Debbie Lesko for Senate); F&LA at 9, MUR 7246 (Buddy Carter for Congress, *et al.*); F&LA at 4, MUR 6985 (Zeldin for Senate, *et al.*); F&LA at 9, MUR 6601 (Oelrich for Congress); *see also* Advisory Opinion (“AO”) 2009-26 at 5 (Coulson); AO 2007-26 at 4 (Schock); AO 2007-01 at 3 (McCaskill).

1 undertakings as the leader of her party’s state house caucus.”<sup>33</sup> Therefore, the State Committee  
2 should be considered EFMC’d by Harwell as a matter of law.

3         The Harwell Response also acknowledges that Harwell established the State Committee  
4 in January 2017.<sup>34</sup> And while the Commission provides for the possibility that the relationship  
5 between an entity established by a person before they become a candidate may later be severed,  
6 it does not appear that Harwell severed her relationship with the State Committee.<sup>35</sup> Harwell’s  
7 Response states that she “has the authority or ability to direct or participate in the governance  
8 of [the State Committee]” and “has the authority to hire, appoint, demote, or otherwise control  
9 the officers’ of [the State Committee].”<sup>36</sup> Thus, the record shows that the relationship between  
10 Harwell and the State Committee *has not* been severed.

11         For many of the same reasons, the record also indicates that the State PAC is EFMC’d by  
12 Harwell. Like the State Committee, Harwell admittedly established the State PAC.<sup>37</sup> And like  
13 the State Committee, the fact that Harwell has authority or ability to direct or participate in the  
14 governance of the State PAC and has the authority or ability to hire, appoint, demote, or  
15 otherwise control the officers of the State PAC indicates that the relationship between Harwell

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<sup>33</sup> Harwell Resp. at 2.

<sup>34</sup> *Id.* at 1.

<sup>35</sup> A sponsor that has established an entity under 11 C.F.R. § 300.2(c)(2) may request a Commission advisory opinion determining that the relationship between the sponsor and the entity has been severed. 11 C.F.R. § 300.2(c)(4)(ii). Such an advisory opinion request must, among other things, “demonstrate that all material connections between the sponsor and the entity have been severed for two years.” *Id.* The Commission’s explanation and justification did note, however, that this provision does *not* require an “entity that has not directly or indirectly established, financed, maintained, or controlled another entity to obtain a determination to that effect before the two entities may operate independently of each other.” Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money, 67 Fed. Reg. 49,064, 49,085 (July 29, 2002).

<sup>36</sup> Harwell Resp. at 4 (quoting 11 C.F.R. § 300.2(c)(2)(ii), (iii)).

<sup>37</sup> *Id.* at 2.

1 and the State PAC *has not* been severed.<sup>38</sup> Indeed, Harwell remains President of the State PAC,  
2 a position that ordinarily indicates the ability to control an organization.<sup>39</sup>

3         The Harwell Response makes a number of arguments in support of its view that neither  
4 the State Committee nor the State PAC are EFMC'd within the meaning of 52 U.S.C.  
5 § 30125(e)(1). These arguments are not persuasive for several reasons. First, the Harwell  
6 Response argues that a candidate or officeholder must “establish, finance, maintain, or control  
7 the entity *while the person is a federal candidate or officeholder.*”<sup>40</sup> But that interpretation  
8 conflicts with the reason for 11 C.F.R. § 300.2(c)(4)(i)-(ii). Moreover, the Commission has  
9 already rejected that view, insofar as the Commission has determined that a federal candidate’s  
10 state campaign committee is, as a matter of law, an EFMC'd entity. Indeed, the Commission has  
11 determined that a state officeholder’s state committee is an EFMC'd entity despite being formed  
12 long before their federal candidacy.<sup>41</sup> In short, the State PAC and State Committee may still be  
13 considered EFMC'd by Harwell despite their formation prior to Harwell’s federal candidacy.

14         Next, the Harwell Response contends that an insufficient number of the factors listed in  
15 11 C.F.R. § 300.2(c), the Commission’s regulation defining EFMC, were satisfied to establish  
16 that Harwell EFMC'd the committees. The Harwell Response acknowledges that Harwell’s  
17 relationship with the State Committee and State PAC satisfies two factors listed in section

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<sup>38</sup> *Id.* at 4.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 3 (emphasis in original) (quoting Statement of Commissioner Lee E. Goodman on the “Established, Financed, Maintained or Controlled” Doctrine (Feb. 26, 2018)).

<sup>41</sup> *See, e.g.*, F&LA at 2, 9, MUR 7246 (Buddy Carter for Congress, *et al.*) (state committee of Buddy Carter was established in 2009 but deemed an EFMC'd entity within the meaning of 52 U.S.C. § 30125(e)(1) despite his federal candidacy starting May 6, 2013); AO 2007-01 at 3 (McCaskill) (state committee of Claire McCaskill established in preparation for her 2002 re-election campaign for state auditor ruled to be an EFMC'd entity in 2007).

1 300.2(c): she has authority or ability to direct or participate in the governance of the State  
 2 Committee and State PAC and has the authority or ability to hire, appoint, demote, or otherwise  
 3 control the officers of the State Committee and the State PAC.<sup>42</sup> But the Harwell Response  
 4 argues that Harwell’s authority with regard to the State Committee and State PAC is insufficient  
 5 to find that she EFMC’d the committees because eight other factors listed in 11 C.F.R. § 300.2(c)  
 6 are absent.<sup>43</sup> Similar arguments were rejected by the Commission in both MUR 7337 (Debbie  
 7 Lesko and Re-Elect Debbie Lesko for Senate) and MUR 7853 (Stand for Truth).<sup>44</sup> By doing so,  
 8 the Commission confirmed what it said during the soft money rulemaking: that the factors set  
 9 forth in 11 C.F.R. § 300.2(c) address the four different statutory terms that comprise EFMC.<sup>45</sup>  
 10 Such an interpretation is consistent with the plain text of the Act, because its inclusion of the  
 11 word “or” indicates that only one type of specified relationship is necessary.<sup>46</sup> Here, Harwell’s

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<sup>42</sup> Harwell Resp. at 4 (citing 11 C.F.R. § 300.2(c)(2)(ii)-(iii)). There is no indication that Harwell did not also have such authority or ability while she was a federal candidate.

<sup>43</sup> *Id.*

<sup>44</sup> See F&LA at 7-8, MUR 7337 (Debbie Lesko and Re-Elect Debbie Lesko for Senate) (finding EFMC based on financing despite respondents’ argument that “most of the [EFMC] factors do not apply to them”). Most recently, in MUR 7853 respondent Stand for Truth argued that the Commission must weigh *all* the factors listed in 11 C.F.R. § 300.2(c)(2)(i)–(x) before finding the Stand for Truth became EFMC’d as a result of accepting contributions from federal candidate Lance Harris’ state campaign committee. See Stand for Truth Resp. at 4 (Dec. 28, 2020). The Commission nevertheless found reason to believe Stand for Truth became EFMC’d solely as a result of accepting funds in a significant amount from Harris’ state committee. See F&LA at 8-13, MUR 7853 (Stand for Truth). Stand for Truth made the same argument in response to the Commission’s reason to believe finding. See Stand for Truth Resp. at 2-3 (June 17, 2022). The Commission proceeded to conciliate with Stand for Truth. See Memorandum to the Commission & Attach. 1, MUR 7853 (Stand for Truth, Inc.) (May 3, 2023) & Cert. at ¶ 1, MUR 7853 (Stand for Truth, *et al.*) (May 31, 2023) (accepting negotiated conciliation agreement).

<sup>45</sup> Notice of Proposed Rulemaking, Prohibited and Excessive Contributions; Non-Federal Funds or Soft Money, 67 Fed. Reg. 35654, 35658-59 (May 20, 2002) (“Proposed paragraph (c)(1)(ii) would focus on the establishment of entities . . . Proposed paragraph (c)(1)(iii) would address financing of an entity . . . Proposed paragraph (c)(1)(iv) would address the maintenance of an entity by a sponsor. . . Proposed paragraphs (c)(1)(v) and (c)(1)(vi) would go to control of an entity by a sponsor.”).

<sup>46</sup> See F&LA at 3 n.10, MUR 6985 (Zeldin for Senate, *et al.*) (“[a]ny one of the four factors [i.e., EFMC] will suffice if it provides the basis for four or more Commissioners to find reason to believe.”); see also ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW* at 116 (2012) (“Under the conjunctive/disjunctive canon, *and* combines items while *or* creates alternatives.”) (emphasis in original).

1 establishment of the committees, her authority to direct or participate in the governance of the  
2 committees, and her authority to hire, appoint, demote, or otherwise control the officers of the  
3 committees is sufficient to find at this preliminary stage of administrative enforcement that she  
4 EFMC'd the committees within the meaning of 52 U.S.C. § 30125(e)(1).<sup>47</sup>

5                   b. The State Committee and State PAC Spent Nonfederal Funds in  
6                   Connection with a Federal Election

7           As entities EFMC'd by Harwell, any funds the State Committee and State PAC solicited,  
8 received, directed, transferred, or spent in connection with a federal election after Harwell  
9 became a federal candidate were required to be federally permissible and subject to the Act's  
10 reporting provisions.<sup>48</sup>

11           The State Committee and State PAC's disclosure reports (Attachments 1 and 2) reveal  
12 that they accepted nonfederal funds. Since its establishment in 2017, the State Committee  
13 received \$63,100 in contributions from the following sources: \$54,200 from corporate PACs,  
14 \$8,000 directly from corporations, \$500 from the committee of former Nashville mayor Megan  
15 Barry, and \$400 from two individuals.<sup>49</sup> The State PAC last received contributions in 2018.<sup>50</sup>

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<sup>47</sup> The Harwell Response argues that Harwell did not "exercise control" over the State Committee and State PAC and was not involved in the committees' activities "in any significant way" since 2018. Harwell Resp. at 3, Ex. A (Decl. of Beth Harwell). But the Commission's regulatory definition speaks in terms of a sponsor's *authority or ability* to direct or participate in an entity's governance and the sponsor's *authority or ability* to hire, appoint, demote, or otherwise control an entity's officers, other decision-making employees or members, not whether a sponsor exercised that authority or ability on a particular occasion. See 11 C.F.R. § 300.2(c)(2)(ii)-(iii).

<sup>48</sup> 52 U.S.C. § 30125(e)(1)(A).

<sup>49</sup> See Attachment 1 (showing the State Committee's receipts); Attachment 2 (showing the State PAC's receipts).

<sup>50</sup> Resp. at 2.

1 The State PAC’s individual contributions received in 2018 total \$98,000, of which \$64,700  
2 (66%) exceeded the Act’s amount limitations.<sup>51</sup>

3 The Harwell Response acknowledges that the Committee’s contributions to GOTP  
4 included nonfederal funds.<sup>52</sup> However, the Harwell Response cites to advisory opinions where  
5 the Commission allowed a state officeholder and federal candidate to donate federally  
6 permissible funds in a state account to other state and local political committees where the state  
7 committee used a “reasonable accounting method” to separate permissible from impermissible  
8 funds (*i.e.*, those raised consistent with state law but outside the Act’s contribution limitations  
9 and source prohibitions), and then made the contributions with the permissible funds.<sup>53</sup> The  
10 Harwell Response argues that the Committee can show, using the “last in, first transferred”  
11 accounting method described in 11 C.F.R § 110.3(c)(4), that only \$2,500 of the \$12,000 the  
12 Committee contributed to the State PAC included nonfederal funds.<sup>54</sup> But even assuming that  
13 the advisory opinions cited in the Harwell Response extend to a candidate’s state committee’s  
14 contributions to independent expenditure-only political committees, and assuming that the  
15 Committee did, in fact, utilize a last in, first transferred account method at the time, the Harwell  
16 Response’s assertion does not appear to be correct. According to the State PAC’s disclosure

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<sup>51</sup> See Attachment 2 (showing the State PAC’s 2018 receipts).

<sup>52</sup> Harwell Resp. at 4-5.

<sup>53</sup> See *id.* at 4 n.16 (citing, among other advisory opinions, AO 2007-26 at 3-5 (Schock); AO 2005-38 at 4 (Casey)).

<sup>54</sup> *Id.* at 4-5.

1 reports, the last \$12,000 received included a \$7,500 individual contribution, which exceeded the  
2 Act’s amount limits by \$4,600.<sup>55</sup>

3         Next, Harwell’s Response argues that less than the full \$35,000 of the State Committee’s  
4 contribution to GOTP included excessive or prohibited funds under the Act if the last in, first  
5 transferred accounting method is used.<sup>56</sup> Again, assuming that the advisory opinions cited in the  
6 Harwell Response extend to a candidate’s state committee’s contributions to independent  
7 expenditure-only political committees, and assuming that such an accounting method was, in  
8 fact, used by the State Committee at the time, it still appears that many of the funds provided to  
9 GOTP after Harwell became a federal candidate included excessive or prohibited funds.<sup>57</sup> This  
10 is because the last \$35,000 reported by the State Committee includes a \$2,000 contribution from  
11 “United Health Group Incorporated” and because the overwhelming majority of the remainder of  
12 the last \$35,000 came from PACs, which, under Tennessee state law, may accept contributions  
13 from individuals without limit and from corporations.<sup>58</sup>

14         The Harwell Response further argues for dismissal because it says the amount in  
15 violation is “modest.”<sup>59</sup> But the cases cited—MUR 7114 and MUR 7337—do not support  
16 dismissal of this matter, which involves \$47,000 of nonfederal funds. The Commission

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<sup>55</sup> See Attachment 2; *Search Reports*, TENN. ONLINE CAMPAIGN FINANCE, <https://apps.tn.gov/tncamp/public/repsearch.htm>, (search “Tennesseans for Good State Government” in “3rd Quarter” reports for 2018) (last visited Oct. 10, 2023).

<sup>56</sup> Harwell Resp. at 4-5.

<sup>57</sup> See F&LA at 8, MUR 7853 (Stand for Truth) (“it appears that some portion of the funds provided to the Stand for Truth after Harris became a federal candidate were funds that did not comply with the Act’s source prohibitions”) (citing F&LA at 4, MUR 6985 (Zeldin for Senate, *et al.*)).

<sup>58</sup> TENN. BUREAU OF ETHICS AND CAMPAIGN FINANCE, PAC FAQs, <https://www.tn.gov/tref/tref-pacs/tref-pacs0.html> (last visited Oct. 10, 2023) (“corporate contributions are allowed to be made to candidates and PACs . . . there are no limits on the amount of contributions that may be made to a PAC”).

<sup>59</sup> Harwell Resp. at 5.

1 dismissed MUR 7114, where a federal candidate’s state committee raised at least \$3,000 in  
 2 nonfederal funds after his federal candidacy and spent \$1,849.<sup>60</sup> In MUR 7337, far from the  
 3 \$50,000 amount in violation being considered too modest, the Commission *found reason to*  
 4 *believe* and conciliated with the federal recipient committee Conservative Leadership for  
 5 Arizona.<sup>61</sup> The Commission did not agree on whether there was probable cause that the  
 6 candidate and her state committee violated 52 U.S.C. § 30125(e)(1)(A).<sup>62</sup> Finally, in both MUR  
 7 7114 and 7337, unlike in the instant matter, the relevant state law prohibited state PACs from  
 8 accepting corporate contributions.<sup>63</sup>

9 \* \* \*

10 Because the record indicates that Harwell EFMC’d the State Committee and the State  
 11 PAC, and that the State Committee and State PAC’s contributed nonfederal funds to GOTP, the  
 12 Commission finds reason to believe that Harwell, the State Committee, and the State PAC  
 13 violated 52 U.S.C. § 30125(e)(1)(A) by transferring nonfederal funds in connection with an  
 14 election for federal office.

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<sup>60</sup> First GCR at 6-7, MUR 7114 (Casperson for Congress, *et al.*). The Commission did not agree on the rationale for its dismissal pursuant to *Heckler v. Chaney*. See Cert. ¶ 1 (June 22, 2017) & Cert. ¶¶ 1, 2 (Sept. 20, 2017), MUR 7114 (Casperson for Congress, *et al.*).

<sup>61</sup> See Conciliation Agreement, MUR 7337 (Conservative Leadership for Arizona).

<sup>62</sup> Cert. (Sept. 29, 2022), MUR 7337 (Debbie Lesko and Re-Elect Debbie Lesko for Senate).

<sup>63</sup> F&LA at 8 n.34, MUR 7337 (Debbie Lesko and Re-Elect Debbie Lesko for Senate); Tom Casperson for State Senate Resp. at 2, MUR 7114 (Casperson for Congress, *et al.*).



**CONTRIBUTIONS RECEIVED BY HARWELL COMMITTEE**

| <b>Date</b> | <b>Source</b>  | <b>Amount</b> | <b>Report</b>                      |
|-------------|--|---------------|------------------------------------|
| 1/3/2017    | MAXIM HEALTHCARE INC<br>TN PAC                       | \$500.00      | Early Year End Supplemental (2016) |
| 1/3/2017    | TENNESSEE VOLUNTEER<br>PAC                           | \$1,000.00    | Early Year End Supplemental (2016) |
| 1/4/2017    | AMERICAN INSURANCE<br>ASSOCIATION                    | \$500.00      | Early Year End Supplemental (2016) |
| 1/4/2017    | AMERIGROUP TENNESSEE,<br>INC.                        | \$1,000.00    | Early Year End Supplemental (2016) |
| 1/4/2017    | ASSN BUILDERS &<br>CONTRACTORS - MID. TN             | \$1,000.00    | Early Year End Supplemental (2016) |
| 1/4/2017    | INSURORS OF TN PAC                                   | \$2,500.00    | Early Year End Supplemental (2016) |
| 1/4/2017    | MID-SOUTH CARPENTERS<br>REGIONAL COUNCIL             | \$500.00      | Early Year End Supplemental (2016) |
| 1/4/2017    | PEDIATRIX MEDICAL<br>GROUP, INC. PAC                 | \$1,000.00    | Early Year End Supplemental (2016) |
| 1/4/2017    | TENNESSEE APPRAISER<br>COALITION PAC                 | \$500.00      | Early Year End Supplemental (2016) |
| 1/4/2017    | TENNESSEE REALTORS PAC                               | \$2,500.00    | Early Year End Supplemental (2016) |
| 1/4/2017    | THE KROGER CO.                                       | \$1,000.00    | Early Year End Supplemental (2016) |
| 1/5/2017    | CONCERNED AUTO.<br>RETAILERS PAC                     | \$2,500.00    | Early Year End Supplemental (2016) |
| 1/5/2017    | HOSPAC   | \$2,500.00    | Early Year End Supplemental (2016) |
| 1/5/2017    | TDG-PAC  | \$1,000.00    | Early Year End Supplemental (2016) |
| 1/5/2017    | TENNESSEE BANKERS ASSN<br>PAC                        | \$2,500.00    | Early Year End Supplemental (2016) |
| 1/5/2017    | TENNESSEE CHAMBER OF<br>COMMERCE AND INDUSTRY<br>PAC | \$500.00      | Early Year End Supplemental (2016) |
| 1/5/2017    | TENNESSEE INTERIOR<br>DESIGNERS PAC                  | \$300.00      | Early Year End Supplemental (2016) |
| 1/6/2017    | BICO ASSOCIATES                                      | \$2,500.00    | Early Year End Supplemental (2016) |
| 1/6/2017    | BIV-PAC  | \$2,500.00    | Early Year End Supplemental (2016) |
| 1/6/2017    | BLUE CROSS BLUE SHIELD<br>OF TN PAC                  | \$5,000.00    | Early Year End Supplemental (2016) |
| 1/6/2017    | CSX GOOD GOVERNMENT<br>FUND - TN                     | \$1,000.00    | Early Year End Supplemental (2016) |
| 1/6/2017    | DELTA DENTAL OF<br>TENNESSEE PAC                     | \$2,500.00    | Early Year End Supplemental (2016) |
| 1/6/2017    | TENNESSEANS FOR TRANSIT                              | \$500.00      | Early Year End Supplemental (2016) |
| 1/6/2017    | TENNESSEE<br>ANESTHESIOLOGISTS PAC                   | \$2,500.00    | Early Year End Supplemental (2016) |

|           |  |            |                                    |
|-----------|--|------------|------------------------------------|
| 1/6/2017  | TENNESSEE EDUC ASSN<br>FUND FOR CHILDREN &<br>PUBLIC EDU | \$2,500.00 | Early Year End Supplemental (2016) |
| 1/6/2017  | TENNESSEE HOSPITALITY<br>PAC                             | \$1,000.00 | Early Year End Supplemental (2016) |
| 1/6/2017  | TENNESSEE PROFESSIONAL<br>ENGINEERS PAC                  | \$2,500.00 | Early Year End Supplemental (2016) |
| 1/9/2017  | BMHC PAC   | \$500.00   | Early Year End Supplemental (2016) |
| 1/9/2017  | FRIENDS OF MEGAN BARRY                                   | \$500.00   | Early Year End Supplemental (2016) |
| 1/9/2017  | HOMETOWN PHARMACY<br>PAC                                 | \$2,500.00 | Early Year End Supplemental (2016) |
| 1/9/2017  | MILLER AND MARTIN PAC                                    | \$1,000.00 | Early Year End Supplemental (2016) |
| 1/9/2017  | MWB PAC  | \$1,000.00 | Early Year End Supplemental (2016) |
| 1/9/2017  | TENNESSEE EMPLOYEES<br>ACTION MOVEMENT                   | \$1,000.00 | Early Year End Supplemental (2016) |
| 6/30/2017 | ETLINGER , FRANK C.                                      | \$250.00   | Early Mid Year Supplemental (2017) |
| 6/30/2017 | MARTIN , WILLIAM B.                                      | \$150.00   | Early Mid Year Supplemental (2017) |
| 6/30/2017 | TENNESSEE REALTORS PAC                                   | \$2,500.00 | Early Mid Year Supplemental (2017) |
| 1/8/2018  | INDEPENDENT MEDICINE'S<br>PAC-TN                         | \$2,500.00 | Early Year End Supplemental (2017) |
| 1/8/2018  | INSURANCE AND FINANCIAL<br>ADVISORS PAC                  | \$1,000.00 | Early Year End Supplemental (2017) |
| 1/8/2018  | MICROSOFT POLITICAL<br>ACTION COMMITTEE                  | \$1,000.00 | Early Year End Supplemental (2017) |
| 1/8/2018  | TDS<br>TELECOMMUNICATIONS<br>CORPORATION PAC             | \$400.00   | Early Year End Supplemental (2017) |
| 1/8/2018  | TDS<br>TELECOMMUNICATIONS<br>CORPORATION PAC             | \$2,500.00 | Early Year End Supplemental (2017) |
| 1/8/2018  | UNITEDHEALTH GROUP<br>INCORPORATED                       | \$2,000.00 | Early Year End Supplemental (2017) |
| 1/8/2018  | WPG PAC  | \$500.00   | Early Year End Supplemental (2017) |

**CONTRIBUTIONS RECEIVED BY TENNESSEANS FOR GOOD GOVERNMENT**

| <b>Date</b> | <b>Source</b>                                    | <b>Amount</b> | <b>Report</b>                       |
|-------------|--|---------------|-------------------------------------|
| 1/8/2017    | RETIREMENT CO. OF AMERICA LLC                    | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 10/19/2017  | ADAMS AND REESE PAC                              | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 10/19/2017  | ANHEUSER BUSCH                                   | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 10/19/2017  | COMCAST CORPORATION                              | \$ 3,000.00   | Annual Year End Supplemental (2017) |
| 10/19/2017  | ELI LILLY & CO. PAC                              | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 10/19/2017  | H. G. HILL REALTY PAC                            | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 10/19/2017  | HCA TRISTAR FUND                                 | \$ 2,000.00   | Annual Year End Supplemental (2017) |
| 10/19/2017  | JACK DANIEL'S PAC                                | \$ 10,000.00  | Annual Year End Supplemental (2017) |
| 10/19/2017  | SANOFI US SERVICES INC. EMPLOYEES PAC - TN       | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 10/19/2017  | TENNESSEE RADIOLOGISTS PAC                       | \$ 500.00     | Annual Year End Supplemental (2017) |
| 10/19/2017  | TENNESSEE REALTORS PAC                           | \$ 2,500.00   | Annual Year End Supplemental (2017) |
| 10/19/2017  | TENNESSEE REYNOLDS AMERICAN INC. PAC             | \$ 5,000.00   | Annual Year End Supplemental (2017) |
| 10/19/2017  | WALLER LANSDEN PAC                               | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 12/28/2017  | ALKERMES   | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 12/28/2017  | AMERIGROUP TENNESSEE, INC.                       | \$ 2,000.00   | Annual Year End Supplemental (2017) |
| 12/28/2017  | BB&S GOOD GOVT. COMMITTEE                        | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 12/28/2017  | CIGNA CORPORATION PAC                            | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 12/28/2017  | COMCAST CORPORATION                              | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 12/28/2017  | CORECIVIC, INC. PAC                              | \$ 5,000.00   | Annual Year End Supplemental (2017) |
| 12/28/2017  | HOUSING INDUSTRY PAC                             | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 12/28/2017  | INSURORS OF TN PAC                               | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 12/28/2017  | INTERNATIONAL PAPER PAC (IP PAC)                 | \$ 1,500.00   | Annual Year End Supplemental (2017) |
| 12/28/2017  | PFIZER INC. PAC                                  | \$ 2,500.00   | Annual Year End Supplemental (2017) |
| 12/28/2017  | TENNESSEE ASSN OF NURSE ANESTHETISTS PAC         | \$ 750.00     | Annual Year End Supplemental (2017) |
| 12/28/2017  | TENNESSEE CERTIFIED PUBLIC ACCOUNTANTS PAC       | \$ 750.00     | Annual Year End Supplemental (2017) |
| 12/28/2017  | VERIZON PAC                                      | \$ 500.00     | Annual Year End Supplemental (2017) |
| 1/7/2018    | ASSN BUILDERS & CONTRACTORS - MID. TN CHAPTER    | \$ 500.00     | Annual Year End Supplemental (2017) |
| 1/7/2018    | BRADLEY ARANT BOULT CUMMINGS TENNESSEE STATE PAC | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 1/7/2018    | BUTLER SNOW PAC                                  | \$ 750.00     | Annual Year End Supplemental (2017) |

|           |  |               |                                     |
|-----------|--|---------------|-------------------------------------|
| 1/7/2018  | CONCERNED AUTOMOTIVE RETAILERS PAC         | \$ 2,000.00   | Annual Year End Supplemental (2017) |
| 1/7/2018  | CVS HEALTH                                 | \$ 500.00     | Annual Year End Supplemental (2017) |
| 1/7/2018  | HUMANA INC.                                | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 1/7/2018  | TENNESSEE GROCERS & CONVENIENCE STORE PAC  | \$ 500.00     | Annual Year End Supplemental (2017) |
| 1/7/2018  | TENNESSEE REALTORS PAC                     | \$ 5,000.00   | Annual Year End Supplemental (2017) |
| 1/7/2018  | VALERO ENERGY CORP. PAC                    | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 1/8/2018  | CHARTER COMMUNICATIONS INC., TENNESSEE PAC | \$ 2,000.00   | Annual Year End Supplemental (2017) |
| 1/8/2018  | EASTMAN STATE OF TENNESSEE PAC             | \$ 2,000.00   | Annual Year End Supplemental (2017) |
| 1/8/2018  | SCAROLA , FREDERIC A.                      | \$ 25,000.00  | Annual Year End Supplemental (2017) |
| 1/8/2018  | TENNESSEANS FOR PUTTING STUDENTS FIRST     | \$ 1,000.00   | Annual Year End Supplemental (2017) |
| 7/23/2018 | Steve McDaniel                             | \$ 10,000.00  | Pre-Primary 2018                    |
| 7/24/2018 | David Ingram                               | \$ 30,000.00  | 3rd Quarter 2018                    |
| 7/26/2018 | Goven White                                | \$ 7,500.00   | 3rd Quarter 2018                    |
| 7/27/2018 | Fred Dettwiler                             | \$ 20,000.00  | 3rd Quarter 2018                    |
| 7/27/2018 | Robert S. Doochin                          | \$ 1,000.00   | 3rd Quarter 2018                    |
| 7/27/2018 | John Ferguson                              | \$ 2,000.00   | 3rd Quarter 2018                    |
| 7/27/2018 | James Loden                                | \$ 500.00     | 3rd Quarter 2018                    |
| 7/30/2018 | Sevier County Good Government PAC          | \$ 5,000.00   | 3rd Quarter 2018                    |
| 7/31/2018 | Sam Harwell                                | \$ 143,500.00 | 3rd Quarter 2018                    |
| 8/1/2018  | Earl Dunn                                  | \$ 2,000.00   | 3rd Quarter 2018                    |
| 8/1/2018  | James P. O'Rourke                          | \$ 2,500.00   | 3rd Quarter 2018                    |
| 8/1/2018  | Thompson Patterson                         | \$ 1,000.00   | 3rd Quarter 2018                    |
| 8/1/2018  | John Simmonds                              | \$ 5,000.00   | 3rd Quarter 2018                    |
| 8/13/2018 | Barry Banker                               | \$ 2,000.00   | 3rd Quarter 2018                    |
| 8/13/2018 | Orrin Ingram                               | \$ 7,500.00   | 3rd Quarter 2018                    |
| 8/13/2018 | Thomas Loventhal                           | \$ 2,000.00   | 3rd Quarter 2018                    |
|           | Unitemized                                 | \$ 1,000.00   | Annual Year End Supplemental (2017) |