



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

June 5, 2025

VIA UPS

Devolder-Santos for Congress
126 C Street NW
Third Floor
Washington, DC 20001

RE: MUR 8112

To whom it may concern:

On February 15, 2023, the Federal Election Commission notified Devolder-Santos for Congress (the "Committee") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On April 29, 2025, the Commission considered the complaint but there was an insufficient number of votes to find reason to believe that the Committee knowingly and willfully violated 52 U.S.C. § 30124(b)(1). Accordingly, the Commission voted to close its file in this matter effective June 5, 2025.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Any applicable Statements of Reasons available at the time of this letter's transmittal are enclosed.

If you have any questions, please contact Kevin Fortkiewicz, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Ana J. Peña-Wallace".

Ana J. Peña-Wallace
Assistant General Counsel



FEDERAL ELECTION COMMISSION
1050 FIRST STREET, N.E.
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	:	
	:	MUR 8112
George Santos, <i>et al.</i>	:	
	:	
	:	

STATEMENT OF REASONS OF VICE CHAIRMAN JAMES E. “TREY” TRAINOR, III AND COMMISSIONER ALLEN J. DICKERSON

This Complaint in this Matter alleged that Sam Miele, a fundraiser for then-Representative George Santos’s 2022 principal campaign committee, Devolder-Santos for Congress (the “Committee”), violated the Federal Election Campaign Act of 1971 (the “Act”) by engaging in fraudulent misrepresentation in violation of 52 U.S.C. § 30124 and 11 C.F.R. § 110.16. Specifically, the Complaint alleged that Miele solicited contributions to the Committee by impersonating the chief of staff to then-Speaker of the House Kevin McCarthy in emails and phone conversations with potential donors.¹

In response, the Committee and Santos asserted that Miele acted without their authorization and that he was promptly terminated after the Committee became aware of his misconduct.² Miele did not submit a Response. Since the filing of the Complaint, Miele has pleaded guilty to federal wire fraud for his impersonation scheme and was convicted and sentenced to one year and one day in prison.³

Given Miele’s conviction and sentencing, our Office of General Counsel (“OGC”) recommended that the Commission exercise our prosecutorial discretion and dismiss the allegations of fraudulent misrepresentation against Miele, concluding that the public interest in enforcement had been satisfied.⁴ We agree with this recommendation. However, we decline to adopt OGC’s recommendation that we issue

¹ Compl. at 1-2 (Feb. 15, 2023).

² Committee Resp. at 8 (Apr. 8, 2023).

³ Standard Plea Form 1 at 5 and 9, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Nov. 14, 2023); Judgment in Criminal Case at 2-3, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Mar. 10, 2025).

⁴ First Gen. Counsel’s Rept. at 10.

Miele a letter of admonishment,⁵ as Miele's criminal conviction sufficiently addresses the misconduct at issue.

Although the Complaint did not allege that candidate Santos authorized or participated in Miele's scheme, OGC recommended dismissal of the allegations as to Santos due to the lack of evidence that he had knowledge of Miele's activities.⁶ We agree with this recommendation, as well.

OGC also recommended that we find reason to believe the Committee violated the Act's fraudulent misrepresentation provisions on the theory that the Committee was vicariously liable for Miele's conduct because Miele's illegal actions were within the scope of his work for the Committee and are therefore imputable to it.⁷ We disagree and voted to dismiss this allegation as to the Committee. We provide this Statement of Reasons to explain why.

I. FACTUAL BACKGROUND

The Committee is the principal campaign committee of former Representative George Santos.⁸ Santos successfully ran to represent New York's 3rd Congressional District in the 2022 election cycle after running unsuccessfully for that seat in 2020.⁹ Sam Miele performed fundraising services for the Committee during the 2020 and 2022 election cycles.¹⁰ For the 2020 election cycle, the Committee reported payments to Miele totaling \$49,538 for "Fundraising" from June 4, 2020, to October 30, 2020.¹¹

⁵ *Id.* In the past, the Commission resolved certain matters at the initial stage of the enforcement process through dismissal with admonishment under a previous Policy Statement. However, in March 2024, the Commission unanimously adopted a superseding Policy Statement stating that it would generally resolve matters through either dismissal or a reason-to-believe finding. *Compare* Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 89 Fed. Reg. 19729 (Mar. 20, 2024) *with* Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 72 Fed. Reg. 12545 (Mar. 16, 2007).

⁶ First Gen. Counsel's Rept. at 12.

⁷ *Id.*

⁸ Devolder-Santos for Congress, Amended Statement of Organization at 2 (Oct. 10, 2021).

⁹ FEC, FEDERAL ELECTIONS 2020: ELECTION RESULTS FOR THE U.S. PRESIDENT, THE U.S. SENATE AND THE U.S. HOUSE OF REPRESENTATIVES at 140 (Oct. 2022), <https://www.fec.gov/resources/cms-content/documents/federaelections2020.pdf>; FEC, FEDERAL ELECTIONS 2022: ELECTION RESULTS FOR THE U.S. SENATE AND THE U.S. HOUSE OF REPRESENTATIVES at 92-93 (Feb. 2025), <https://www.fec.gov/resources/cms-content/documents/federaelections2022.pdf>.

¹⁰ Compl. at 4.

¹¹ *FEC Disbursements: Filtered Results, FEC.GOV*, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00721365&recipient_name=Sam+Miele&two_year_transaction_period=2024&two_year_transaction_period=2022&two_year_transaction_period=2020&min_date=01%2F01%2F2019&

For the 2022 election cycle, the Committee reported payments for services including “Fundraising Commission” and “Retainer” totaling \$43,088.21 from January 4, 2021, to November 23, 2021, to The One57 Group, a Florida based limited liability company Miele managed.¹² According to Miele, the Committee paid him a 15% commission for his fundraising services.¹³

The Complaint alleges that Miele impersonated Dan Meyer while fundraising for the Committee.¹⁴ At the time, Meyer was then-House Speaker Kevin McCarthy’s Chief of Staff and worked for McCarthy’s campaign committee, Kevin McCarthy for Congress.¹⁵ Based on information in news articles, the Complaint states that “Miele called donors pretending to be Meyer and sent follow-up emails from a fake address.”¹⁶

Meyer learned of the solicitations in August 2021 when a professional fundraiser asked Meyer if he had solicited a contribution from a specific individual

[max_date=12%2F31%2F2024](#) (last visited Apr. 10, 2025) (reflecting four payments the Committee made to Sam Miele).

¹²*FEC Disbursements: Filtered Results, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00721365&recipient_name=The+One57+Group&two_year_transaction_period=2024&two_year_transaction_period=2022&two_year_transaction_period=2020&min_date=01%2F01%2F2019&max_date=12%2F31%2F2024* (last visited Apr. 10, 2025) (reflecting seven disbursements to The One57 Group from the Committee); Compl. at 4; *see also* THE ONE57 GROUP LLC, ARTICLES OF ORGANIZATION (Mar. 3, 2022), <https://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2022%5C0328%5C82915863.Tif&documentNumber=L22000116243> (listing Miele as manager of the LLC); Miele Pre-Sentencing Memo at 10, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Feb. 28, 2025) (indicating that Miele founded the LLC in January 2021).

¹³ Miele Pre-Sentencing Memo at 11, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Feb. 28, 2025).

¹⁴ Compl. at 1-4.

¹⁵ Lindsey McPherson, *Kevin McCarthy’s Chief of Staff Dan Meyer to Retire in June*, ROLL CALL (May 12, 2023) <https://rollcall.com/2023/05/12/kevin-mccarthys-chief-of-staff-dan-meyer-to-retire-in-june/>; *Speaker Kevin McCarthy Announces Staff Promotions*, KEVIN MCCARTHY: SPEAKER OF THE HOUSE (May 12, 2023), <https://www.speaker.gov/speaker-kevin-mccarthy-announces-staff-promotions/> [<https://web.archive.org/web/20230520054812/https://www.speaker.gov/speaker-kevin-mccarthy-announces-staff-promotions/>]; *FEC Disbursements: Filtered Results, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00420935&recipient_name=Dan+Meyer&two_year_transaction_period=2022&two_year_transaction_period=2020&min_date=01%2F01%2F2019&max_date=12%2F31%2F2022* (last visited Apr. 10, 2025) (reflecting payroll payments by Kevin McCarthy for Congress to Meyer from January 1, 2019, to December 31, 2022).

¹⁶ Compl. at 2-3; *see also* Brian Schwartz, “We Were Duped”: How George Santos Raised Money from Wealthy GOP Donors While Lying About His Resume, CNBC (Jan. 9, 2023), <https://www.cnbc.com/2023/01/09/george-santos-raised-money-from-wealthy-gop-donors-while-lying-about-his-resume.html> (cited in Compl. at 2 n.5).

on behalf of the Santos campaign.¹⁷ It appears that Santos contacted Meyer “before Christmas 2021” and McCarthy’s counsel reached out to the Committee to address the issue, which resulted in the Committee firing Miele in December 2021. Meyer did not give his permission for the Committee to use his name.¹⁸

In response, the Committee asserts that Miele’s actions were the “actions of a rogue unauthorized individual.”¹⁹ The Committee states that it terminated Miele after it learned of the allegations and then apologized to its donors.²⁰

In a related criminal case arising, in part, from the same facts at issue in this matter, Miele admitted to soliciting contributions by phone and email using Meyer’s name so that donors would be more likely to contribute and that he created a fake email address using Meyer’s name for that purpose.²¹ Miele explains that, from August 2021 to December 2021, Santos told him that the Committee needed better fundraising numbers for Santos to qualify for an NRCC Young Guns program endorsement and that Miele felt pressured to meet certain fundraising goals.²² Miele did not tell Santos or other Committee staff about his plan to use Meyer’s name. Miele used the fictitious email account to send fundraising solicitations to more than a dozen contributors “purporting to be [Meyer] and endorsing Devolder Santos (which implied the Speaker’s support for Devolder Santos as well).”²³ The Department of Justice (“DOJ”) reviewed the solicitations and determined that the amount raised

¹⁷ Kerry Picket, *More Santos Tricks: His Campaign Staffer Accused of Impersonating McCarthy Aide in Bid for Donations*, WASH. TIMES (Dec. 22, 2022), <https://www.washingtontimes.com/news/2022/dec/22/more-santos-tricks-his-campaign-staffer-accused-of/> (cited in Compl. at 3 n.8); Victor Nava, *George Santos Staffer Impersonated Kevin McCarthy’s Top Aide to Raise Money*, N.Y. POST (Jan. 9, 2023), <https://nypost.com/2023/01/09/george-santos-staffer-impersonated-kevin-mccarthy-s-top-aide-to-raise-money/> (cited in Compl. at 3 n.9).

¹⁸ Department of Justice (“DOJ”) Pre-Sentencing Memo at 4, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Feb. 28, 2025) (“The defendant stole the identity of one of the highest-ranking staffers in the government of the United States—the Chief of Staff to the Speaker of the U.S. House of Representatives...”).

¹⁹ Committee Resp. at 8.

²⁰ *Id.*

²¹ DOJ Pre-Sentencing Memo at 2, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Feb. 28, 2025) (“The defendant used that email account to send fundraising emails to more than a dozen potential campaign contributors falsely purporting to be victim No. 1 and endorsing Devolder Santos (which implied the Speaker’s support for Devolder Santos as well.”); Miele Pre-Sentencing Memo at 11-12, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Feb. 28, 2025).

²² DOJ Pre-Sentencing Memo at 2, *United States v. Devolder Santos*, 2:23-cr-00197 (E.D.N.Y. Jan. 8, 2025) (disclosing that Santos was concerned that he would not meet the requirements of the program and “he told one associate that he was on ‘a mission’ and ‘desperate for funds’ before December 31st”).

²³ DOJ Pre-Sentencing Memo at 2, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Feb. 28, 2025).

through these fraudulent solicitations was approximately \$6,500 from two contributors.²⁴

Miele was indicted on federal charges of wire fraud in connection with the allegations in this matter and aggravated identity theft relating to a separate scheme to use credit cards that belonged to others to make political contributions in the names of others as well as for personal purchases.²⁵ On November 14, 2023, Miele pleaded guilty to wire fraud, stating that he “pretended [he] was Chief of Staff to the Speaker of the House of Representatives in some telephone calls and emails with potential donors, including an email on August 19, 2021, which used interstate wires.”²⁶ On March 7, 2025, Miele was sentenced to a year and a day in prison and three years of supervised release following his incarceration.²⁷ Miele paid in full the stipulated \$109,171 in restitution prior to his sentencing.²⁸

II. RELEVANT LAW

The Act provides that “no person shall fraudulently misrepresent themselves as speaking, writing, or otherwise acting for, or on behalf of, any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations.”²⁹ The Act also prohibits any person from willfully and knowingly participating in or conspiring to participate in any such plan, scheme, or design to violate this prohibition.³⁰ Although the Act requires that the violator have the intent to deceive, it does not require proof of the common law fraud elements of justifiable reliance and damages.³¹ Even absent an express misrepresentation, a representation

²⁴ *Id.*

²⁵ Indictment at 3-4, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Aug. 15, 2023) (charging Miele with four counts of wire fraud in violation of 18 U.S.C. § 1343 and one count of aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1)).

²⁶ Standard Plea Form 1 at 5 and 9, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Nov. 14, 2023).

²⁷ Judgment in Criminal Case at 2-3, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Mar. 10, 2025).

²⁸ Minute Entry for Criminal Proceeding at 4, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Mar. 7, 2025). The final stipulation amount appears to include the \$6,500 contributions raised through the fraudulent solicitation plus \$40,600 in unauthorized contributions on credit cards and \$60,271 in unauthorized personal expenditures on credit cards.

²⁹ 52 U.S.C. § 30124(b)(1); *see also* 11 C.F.R. § 110.16(b)(1).

³⁰ 52 U.S.C. § 30124(b)(2); *see also* 11 C.F.R. § 110.16(b)(2).

³¹ *See FEC v. Novacek*, 739 F. Supp. 2d. 957,961 (N.D. Tex. 2010) (finding that defendants knowingly and willfully violated now-52 U.S.C. § 30124(b)); Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds, 67 Fed. Reg. 76,962, 76,969 (Dec. 13, 2002) (citing *Neder v. United States*, 527 U.S. 1, 24-25 (1999) (distinguishing fraud in federal campaign finance abuses from common law tort action on the basis of Congress intending to penalize schemes as well as actions taken to defraud and the damaging effect of misrepresentation); Factual & Legal Analysis (“F&LA”) at 4, MUR 5472 (Jody Novacek).

is fraudulent “if it was reasonably calculated to deceive persons of ordinary prudence and comprehension.”³²

To determine whether a person has engaged in fraudulent misrepresentation, the Commission has previously considered such factors as the inclusion of statements implying that the respondents acted with the authority of the represented person.³³ The Commission has found violations of § 30124 in past matters where individuals or political committees fraudulently disguised their identity in communications to potential donors or voters.³⁴ For example, in MUR 6893 (Winning the Senate PAC), the Commission found reason to believe that using federal candidates’ names without their permission to reasonably suggest to contributors that the candidates endorsed the email solicitation violates 52 U.S.C. § 30124(b)(1).³⁵

A violation of the Act is knowing and willful if the “acts were committed with full knowledge of all the relevant facts and a recognition that the action is prohibited by law.”³⁶ Such a finding does not require proving knowledge of the specific statute or regulation the respondent allegedly violated.³⁷ Instead, it is sufficient to demonstrate that a respondent “acted voluntarily and was aware that his conduct was unlawful.”³⁸ This awareness may be shown through circumstantial evidence from which the respondent’s unlawful intent reasonably may be inferred.³⁹ For example, a

³² *Novacek*, 739 F. Supp. 2d. at 961.

³³ Gen Counsel’s Br. at 14-16, MUR 5951 (Californians for Change) (recommending finding probable cause to believe that Californians for Obama violated now-§ 30124 by, *inter alia*, approving a telemarketing solicitation script that stated, “We are Senator Obama’s California organization to help put the face-of-change in the White House” and where an officer went by the title “State Chairman,” thereby giving “the impression that the organization was the official representative of the national Obama campaign in the State of California”); Cert. (Aug. 3, 2011), MUR 5951 (finding probable cause to believe Californians for Change and its officer violated now-§ 30124); *see also* F&LA at 4-5, MURs 5443, 5495, 5505 (johnfkerry-2004.com) (finding reason to believe that a respondent engaged in express misrepresentation through a website that stated it was “paid for and authorized by John Kerry for President, Inc, 2004”).

³⁴ F&LA at 4-5, MUR 4919 (Adrian Plesha) (finding reason to believe that a campaign manager knowingly and willfully violated the Act by mailing campaign literature urging voters not to vote in upcoming election designed to appear to be from a local Democratic party committee).

³⁵ F&LA at 2, MUR 6893 (Winning the Senate PAC).

³⁶ 122 Cong. Rec. 12,197, 12,199 (May 3, 1976).

³⁷ *United States v. Danielczyk*, 917 F. Supp. 2d 573, 579 (E.D. Va. 2013) (quoting *Bryan v. United States*, 524 U.S. 184, 195 & n.23 (1998) (holding that, to establish a violation is willful, the government needs to show only that the defendant acted with knowledge that his conduct was unlawful, not knowledge of the specific statutory provision violated)).

³⁸ *Id.* (citing jury instructions in *United States v. Edwards*, No. 11-61 (M.D.N.C. 2012), *United States v. Acevedo Vila*, No. 108-36 (D.P.R. 2009), *United States v. Feiger*, No. 07-20414 (E.D. Mich. 2008), and *United States v. Alford*, No. 05-69 (N.D. Fla. 2005)).

³⁹ *Cf. United States v. Hopkins*, 916 F.2d 207, 213 (5th Cir. 1990) (quoting *United States v. Bordelon*, 871 F.2d 491, 494 (5th Cir. 1989)). *Hopkins* involved a conduit contributions scheme, and the issue

person's awareness that an action is prohibited may be inferred from "the [person's] elaborate scheme for disguising . . . political contributions."⁴⁰ The Commission has found a violation to be knowing and willful when respondents took active steps to conceal illegal activities, such as by filing inaccurate reports to conceal illegal activity.⁴¹

III. LEGAL ANALYSIS

OGC recommended that the Commission find reason to believe the Committee knowingly and willfully violated 52 U.S.C. § 30124(b)(1), asserting that Miele's criminal conduct occurred within the scope of his fundraising work for the Committee.⁴² Under this theory, because the Committee hired Miele to fundraise, and because then-candidate Santos emphasized the urgency of raising more funds to qualify for the NRCC's Young Guns program, Miele took illegal actions he deemed necessary to achieve that goal and benefit the Committee, thereby implicating the Committee under principles of agency law.⁴³ To support its position, OGC cites several closed enforcement matters where a principal was held liable for the conduct of its agent, as well as a D.C. Circuit case recognizing that a principal may be held accountable for the acts of an agent performed for the principal's benefit.⁴⁴

This reasoning is flawed in several respects, grounded in well-established principles of agency law and vicarious liability.⁴⁵

before the Fifth Circuit concerned the sufficiency of the evidence supporting the defendants' convictions for conspiracy and false statements under 18 U.S.C. §§ 371 and 1001.

⁴⁰ *Id.* at 214-15. As the Hopkins court noted, "[i]t has long been recognized that 'efforts at concealment [may] be reasonably explainable only in terms of motivation to evade' lawful obligations." *Id.* at 214 (quoting *Ingram v. United States*, 360 U.S. 672, 679 (1959)). The Commission has found knowing and willful violations against committees; see, e.g., F&LA at 1-2, MUR 7923 (Friends of David Schweikert) (finding that misreporting purpose and payees of disbursements was knowing and willful); F&LA at 14-15, MUR 7126 (Mich. Democratic State Cent. Comm.) (finding that misreporting bingo disbursements and contributions was knowing and willful).

⁴¹ F&LA at 4, MUR 6867 (Robert M. Telthorst) (finding that the violation of 52 U.S.C. § 30104(b) was knowing and willful because the treasurer filed inaccurate reports to conceal illegal activity); F&LA at 4, MUR 6768 (Debra Doherty) (finding the treasurer knowingly and willfully violated 52 U.S.C. § 30104(a), (b) by filing inaccurate reports to conceal unauthorized withdrawals).

⁴² First Gen. Counsel's Rept. at 11.

⁴³ *Id.* at 12.

⁴⁴ *Id.* at 11-12.

⁴⁵ The Act and Commission regulations provide limited guidance on the law of agency as applied to political committees. Outside of these limited provisions, the Commission has generally relied on background principles of agency law in determining organizations' vicarious liability for the conduct of their officers and agents. *Cf.* Statement of Reasons of Vice Chairman Sean J. Cooksey and Commissioners Allen J. Dickerson and James E. "Trey" Trainor, III (July 5, 2023), MUR 7464 (Honor and Principles PAC) at note 29 and accompanying text.

First, under prevailing agency law, a principal is generally not vicariously liable for the tortious acts of an independent contractor unless it controls, or has the right to control, the manner and means by which the contractor performs their work.⁴⁶ The evidence available to the Commission shows that Miele functioned as an independent contractor, not an employee or agent under the Committee's direct control. The Committee's reports filed with the Commission during the relevant time period reflect "Fundraising Commission" and "Retainer" payments made not to Miele personally, but to his LLC.⁴⁷ Although OGC suggests that Miele received a "salary" in addition to a commission,⁴⁸ the Pre-Sentencing Memorandum filed by Miele in his federal criminal case—relied upon by OGC—makes no mention of a salary. Instead, it simply states that Miele was compensated through commission payments based on the funds he raised.⁴⁹ This compensation structure underscores the independent nature of Miele's relationship with the Committee and undermines the claim that Miele was operating as an employee or agent under the Committee's direct supervision or control. Notably, both the primary enforcement matter and the D.C. Circuit precedent cited by OGC involved high-ranking employees of, respectively, a political campaign⁵⁰ and a corporation⁵¹—individuals with broad authority and operational control vis-à-vis their employer. Miele, by contrast, had a limited fundraising role and lacked broad authority to direct or control the Committee's activities.

Second, the Committee's engagement of Miele to fundraise does not impute liability for every action he took. Agency law distinguishes between acts undertaken within the scope of an agent's duties and those that fall outside of it.⁵² Even assuming *arguendo* that Miele had implied authority to devise fundraising strategies, that authority did not—and could not—reasonably or foreseeably extend to criminal acts, such as impersonating a high-ranking congressional aide. The fact that Santos emphasized the need to raise more funds does not establish that the Committee directed or authorized Miele to take illegal action to achieve that goal. There is no evidence suggesting that the Committee knew of or sanctioned Miele's conduct, and OGC acknowledges that Miele's decision to impersonate Meyer appears to have been an independent decision made by Miele that was not authorized, directed, or approved by the Committee at any stage.⁵³

⁴⁶ Restatement (3d) of Agency § 7.07.

⁴⁷ See *supra* note 12 and accompanying text.

⁴⁸ First Gen. Counsel's Rept. at 3.

⁴⁹ Miele Pre-Sentencing Memo at 11, *United States v. Miele*, 1:23-cr-00327-JS (E.D.N.Y. Feb. 28, 2025).

⁵⁰ See generally MUR 4919 (Charles Ball for Congress, *et al.*) (fraudulent misrepresentation of campaign authority by campaign manager was attributable to campaign committee).

⁵¹ See generally *U.S. v. Sun-Diamond Growers of Cal.*, 138 F.3d 961 (D.C. Cir. 1998) (illegal acts of corporation's vice president for corporate affairs were attributable to employer).

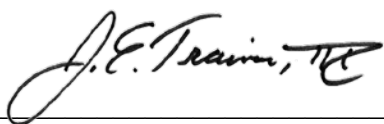
⁵² See *supra* note 46 and accompanying text.

⁵³ First Gen. Counsel's Rept. at 12.

Accordingly, we decline to adopt OGC's recommendation that we find reason to believe the Committee is vicariously liable for Miele's independent and unauthorized actions.

IV. CONCLUSION

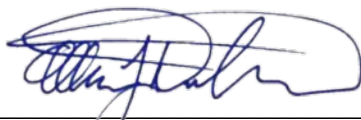
For the foregoing reasons, we voted to dismiss OGC's recommendation that we find reason to believe that the Committee knowingly and willfully violated 52 U.S.C. § 30124(b)(1).



James E. "Trey" Trainor, III
Vice Chairman

April 29, 2025

Date



Allen J. Dickerson
Commissioner

April 29, 2025

Date