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**VIA EMAIL: [cela@FEC.gov](mailto:cela@FEC.gov)**

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Federal Elections Commission  
Complaints Examination and  
Legal Administration  
1050 First Street, NE  
Washington, DC 20463

**RE: NANCY MARKS  
COMPLAINT MUR- 8131**

Dear Sirs:

Ms. Marks responds to the complaint as follows:

**INTRODUCTION**

Ms. Marks represented the Campaign and related committees from late January 2021 until July 2021, and the parties parted by mutual agreement. Congresswoman Salazar's staff was very difficult to deal with.

Some of the issues Marks dealt with was the staff's totally unreasonable refusal to keep the separate committees separate and use them for their respective purposes. They ran events under the name of one committee and yet instructed the donors to make checks out to other committees, or carelessly did not properly instruct them.

The candidate had a separate American Express account which the treasurer was not told of, and the campaign manager kept a separate campaign bank account in Florida which the treasurer was also not made aware of. Campaign expenses were paid from this account, and the Treasurer only became aware of it after she was replaced.

Charges incurred by the candidate on the American Express card were not properly document or itemized, or in the case of the charter of a private plane rental, even justified.

Mr. Williamson did not officially become the Congressional campaign Treasurer by filing with FEC until the final days of July and in the case of most of other committees, until August 11, 2021. Mr. Williamson was made aware that Ms. Marks was away on vacation from August 2-9.

Further, he admits in his complaint, (which is a spite complaint filed after the previously complaint was dismissed) that he received the documents at that exact time that he legally became the Treasurer, August 11, 2021.

Further, Marks' office has over 150 emails and in addition, daily phone calls during the transition period with the campaign. As Campaigns Unlimited had the responsibility of filing the July report, they were not in a position to transfer everything to him immediately, and did so at the earliest opportunity.

During the pandemic it was very difficult to secure employees to work on the various campaigns, and the office was overwhelmed with work from competitors who were not able to work, and at the same time had to recruit employees from a very small, and underqualified, pool of available people.

As a result, the April 2021 quarterly report was prepared by an inexperienced employee who was apparently not forceful enough to deal with a recalcitrant campaign staff, and in addition, made some clerical errors such as reporting items on the wrong line. There was never any intent to hide contributions or expenditures, and not report them fully.

We will not waste the committee's time by addressing some of the de minimus mistakes Mr. Williamson cites, such as the \$15 bank supply charge or the paperwork mistake by AMEX that caused three payments of \$6,400 to be made automatically and which were promptly reversed. These bank errors reflect neither contributions nor campaign related expenditures, and are irrelevant to any public interest in campaign financing. There is no real mechanism to report these paperwork bank errors, in any event.

### **SALAZAR FOR CONGRESS RECEIPT REPORT ERRORS**

Most of these errors were addressed in the previous complaint regarding a large erroneous deposit to the wrong account, or were unintentional errors by the inexperienced employee entering items on the wrong line.

As to Section 22(d)(i):

The Take Back the House, second quarter totaled \$40,619.03 and was reported on Line 12 and was reported as it should have been where the donations were memo.

As to Section 22 (e):

The GOP Winning Women, second quarter, was also reported on line 12 with the donors being memo and reported as it should be.

### **SALAZAR FOR CONGRESS DISBURSEMENTS**

Many of these disagreements between Mr. Williamson and Ms. Marks are based on reporting techniques. In general, Marks uses the date that the item is deposited or paid, however, at the end of a reporting period she uses the date on the donor's check to determine which quarter the donor intended to make the donation, not the deposit date. This meant that the donation was publicly reported three months earlier and increased transparency.

As to Section 23:

For many of these expenses we did not receive the spread sheets from the mailing and digital houses until after the date the report was filed, so they were included in the next report. Mr. Williamson, viewing these much later, had the benefit of allocating them in hindsight.

As to Section 24 (d):

The expenses were incurred on March 17th instead of Feb 22. The Square expenses were entered as March 31st because that is when they were charged but monies were received on April 1st.

As to Section 24 (e):

We were told what to pay on some AMEX bills by the campaign staff, but no breakdown was ever provided to us, not for the lack of trying. We also found out about a bank account in Florida that the Chief of Staff kept hidden from us that was also a campaign account.

The Chief of Staff had wanted us to repay the Congresswoman's personal AMEX bill for a private jet for them without providing us with a real reason on why the campaign should pay for it. We ended up finding out about the Florida account because the AMEX bill came in with a payment from the Congressional account, which was not the one we had. Some AMEX bills we believe may have been paid out of this account without our knowing.

### **SALAZAR FOR CONGRESS DEPOSIT ERRORS**

As to Section 26:

This matter was addressed in the previous complaint.

While many were deposited incorrectly, as conceded by Mr. Williamson they were ultimately going to be deposited in the account through transfer, at any rate. Once they were deposited incorrectly, it would be pointless and confusing to withdraw, redeposited and transferred back into the original Congressional account.

In addition, when we received a contribution for \$5800, we would allocate it \$2900 to the General Election and \$2900 to the Primary Election. This would be done with two entries, one for each. Mr. Williamson attributes the entire contribution as \$5800 and then reallocates it.

This is merely a difference in reporting style and does nothing to deprive the public of full information on the donors and how much they contributed and how their contributions were distributed.

### **THE FREEDOM FORCE PAC**

An error was made in depositing two checks but was corrected and deposited in Freedom Force, the correct account, and Mr. Williamson himself acknowledges in that it was corrected.

Section 28 (c), Section 29:

Ms. Marks went to the bank to open the Freedom Force account and the bank would not open it unless a deposit was made, which is a normal course of banking business. Ms. Marks deposited \$200 of personal funds to open the account. This was not a campaign donation and the campaign never acquired legal title to this money, which was returned to Ms. Marks when the checks were issued by the bank. This was also not a disbursement by the campaign as the campaign did not own this money.

**SALAZAR VICTORY COMMITTEE**

The determination of which bills to pay from this account was made by the campaign, not by Ms. Marks. In all instances she paid bills according to their instructions.

**CONCLUSION**

At all times Ms. Marks did her best to work through the difficulties imposed by the pandemic that is labor shortages and an overwhelming amount of work.

No items were intentionally incorrectly reported or omitted, and Ms. Marks report style may be different than Mr. Williamson's. Mr. Williamson had the benefit of reviewing documents Ms. Marks did not receive in time to include in the earlier reports, this did nothing to interfere with the basic function of the campaign reporting system, to provide the public with a transparent accounting of campaign expenses and receipts.

Mr. Williamson criticizes Ms. Marks both for reporting donations "early" by basing them on the donor's check date, and reporting expenditures "late," when she had not received the documents necessary to report them.

It should be noted that the initial April 2021 report was prepared at the height of the pandemic in New York, and not only Ms. Mark's company was under stress but so were many of the vendors she dealt with and they were not as responsive and prompt as they otherwise would have been in providing information.

In conclusion, Ms. Marks assures the committee that she takes her obligations very seriously, that with the reopening of businesses in New York, and a return to normal, she has been able to restaff with highly skilled personnel with past banking experience and hopefully we will not be confronted with a similar situation in the future.

Sincerely,

PERINI & HOERGER

MAUREEN S. HOERGER