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FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL’S REPORT

MUR 8138
DATE COMPLAINT FILED: May 10, 2023
DATE OF NOTIFICATION: May 15, 2023
LAST RESPONSE RECEIVED: N/A
DATE ACTIVATED: Dec. 12, 2024
EPS: [REDACTED]
ELECTION CYCLE: 2024
EXPIRATION OF SOL: Jan. 25, 2028-
May 20, 2028

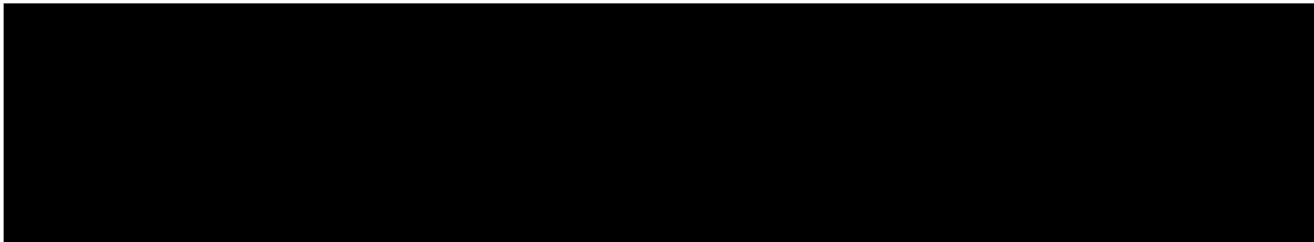
COMPLAINANT: Citizens for Responsibility and Ethics in
Washington

RESPONDENTS: Devolder-Santos for Congress and Jason Boles in
his official capacity as treasurer
Devolder Santos Victory Committee and Jason
Boles in his official capacity as treasurer
GADS PAC and Jason Boles in his official capacity
as treasurer
Devolder Santos for Congress Recount and Jason
Boles in his official capacity as treasurer

**RELEVANT STATUTES
AND REGULATIONS:** 52 U.S.C. § 30102
52 U.S.C. § 30103(b), (c)
11 C.F.R. § 102.2(a)(1), (2)
11 C.F.R. § 102.7
11 C.F.R. § 104.14(d)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: [REDACTED]



1 **I. INTRODUCTION**

2 The Complaint in this matter alleges that Devolder-Santos for Congress and Jason Boles
3 in his official capacity as treasurer, GADS PAC and Jason Boles in his official capacity as
4 treasurer, Devolder Santos Victory Committee and Jason Boles in his official capacity as
5 treasurer, and Devolder Santos for Congress Recount and Jason Boles in his official capacity as
6 treasurer (collectively the “Committees”), all of which are related to 2020, 2022, and 2024
7 congressional candidate George Anthony Devolder-Santos, misidentified their treasurer on their
8 Statements of Organization and accepted contributions and/or made expenditures without a
9 treasurer, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).
10 Specifically, the Complaint alleges that the Committees twice misidentified their treasurer: first
11 by naming Thomas Datwyler without his consent, and later by naming Andrew Olson, whom the
12 Complaint alleges may not exist. Additionally, the Complaint argues that if Olson does not exist
13 then the Committees violated the Act by accepting contributions and making disbursements
14 without a treasurer. The Committees did not respond to the Complaint.

15 As discussed below, the available information confirms that Datwyler did not consent to
16 be the Committees’ named treasurer, but that Olson does exist and agreed to be treasurer for the
17 Committees and that he performed some treasurer duties until his resignation. It appears that
18 Datwyler also performed treasurer duties for the Committees, including filing their disclosure
19 reports. However, there was approximately a one-month period when the Committees did not
20 disclose the name of any treasurer yet one of the Committees still engaged in financial activity
21 during this time. As explained further below, because the duration of this time without a
22 treasurer appears to have been limited, and there appears to have been little financial activity
23 during that time, we recommend that the Commission exercise its prosecutorial discretion and

1 dismiss the allegations that the Committees violated 52 U.S.C. § 30102(a) and 11 C.F.R. § 102.7
2 by accepting contributions and making expenditures during a period in which there is a vacancy
3 in the office of treasurer. We also recommend that the Commission issue a letter of
4 admonishment to Devolder-Santos for Congress in connection with this violation. Finally, we
5 recommend the Commission exercise its prosecutorial discretion and dismiss the allegation that
6 the Committees violated 52 U.S.C. § 30103(b), (c) and 11 C.F.R. §§ 102.2(a)(1), (2) and
7 104.14(d) by filing false statements of organization misidentifying their treasurer.

8 **II. FACTUAL BACKGROUND**

9 Devolder-Santos for Congress is the principal campaign committee for former United
10 States Representative George Anthony Devolder-Santos who, during the relevant time, was a
11 candidate for re-election for New York's 3rd Congressional District.² GADS PAC is Santos's
12 leadership PAC.³ Devolder Santos Victory Committee is a joint fundraising committee for
13 Devolder-Santos for Congress and GADS PAC.⁴ Devolder Santos for Congress Recount is an
14 additional authorized committee for Santos.⁵

15 Nancy Marks was designated as treasurer for the Committees on their Statements of
16 Organization when they first registered with the Commission until her resignation on or about

² Devolder-Santos for Congress, Statement of Org. at 2 (May 30, 2023). On August 19, 2024, George Santos pled guilty to two counts of wire fraud and aggravated identity theft relating, in pertinent part, to assisting the Committees' former treasurer, Nancy Marks, with filing a list of false donors on FEC disclosure reports. Standard Plea Form 1 at 2, *United States v. George Anthony Devolder Santos*, 2:23-cr-00197 (E.D.N.Y. Aug. 19, 2024). Santos was expelled from Congress on December 1, 2023. Providing for the Expulsion of Representative George Santos from the United States House of Representatives, H.R. Res. 878, 118th Cong. (2023) (enacted). The current sentencing date for George Santos is April 25, 2025. Minute Entry, *United States v. George Anthony Devolder Santos*, 2:23-cr-00197 (E.D.N.Y. Jan. 8, 2025).

³ GADS PAC, Statement of Org. at 2-3 (May 19, 2023).

⁴ Devolder Santos Victory Comm., Statement of Org. at 2 (June 5, 2023).

⁵ Devolder Santos for Congress Recount, Statement of Org. at 2 (May 30, 2023).

1 January 5, 2023.⁶ On January 25, 2023, the Committees filed amended Statements of
 2 Organization listing Thomas Datwyler as their treasurer.⁷ However, on January 26, 2023,
 3 Datwyler with his attorney contacted the Reports Analysis Division (“RAD”) to state that he was
 4 not treasurer of these Committees and had declined to be treasurer “both verbally and in
 5 writing.”⁸ The next day, RAD sent a Verification of Statement of Organization letter to the
 6 Committees indicating that they may have failed to include “the true, correct, or complete
 7 treasurer information.”⁹ On January 27, 2023, Datwyler’s attorney sent a letter to RAD stating
 8 that “Datwyler [was] not the treasurer” for the Committees, “did not file or authorize the filing of
 9 the Form 1” and requested “that the filing be withdrawn, that Mr. Datwyler’s name be removed
 10 from the public record, and that [the Commission] refer this matter to the appropriate law
 11 enforcement agency.”¹⁰ RAD sent a Request for Additional Information (“RFAI”) to the
 12 Committees notifying them that their treasurer resigned and that the Commission had not yet
 13 received information regarding a new treasurer; the RFAI also reminded the Committees of their

⁶ Devolder-Santos for Congress, Statement of Org. at 3 (Oct. 2, 2019) (naming Marks as treasurer); GADS PAC, Statement of Org. at 3 (Dec. 10, 2020) (same); Devolder Santos Victory Comm., Statement of Org. at 3 (Oct. 8, 2021) (same); Devolder Santos for Congress Recount, Statement of Org. at 3 (Nov. 4, 2020) (same). Marks filed Miscellaneous Text submissions stating she resigned as treasurer of the Committees effective on January 25, 2023,

[REDACTED]

Marks pled guilty to conspiracy fraud charges for activity stemming from her work as treasurer to these Committees. Standard Plea Form 1 at 11, *United States v. Nancy Marks*, 2:23-cr-00197 (E.D.N.Y. Oct. 5, 2023). The current sentencing date for Nancy Marks is May 8, 2025. Electronic Order Adjourning Proceeding, *United States v. Nancy Marks*, 2:23-cr-00197 (E.D.N.Y. Jan. 28, 2025).

⁷ *E.g.*, Devolder-Santos for Congress, Amended Statement of Org. at 3 (Jan. 25, 2023).

[REDACTED]

⁹ *E.g.*, Devolder-Santos for Congress, Request for Add'l Info. (“RFAI”) (Jan. 26, 2023), <https://docquery.fec.gov/pdf/202/202301260300169202/202301260300169202.pdf>.

¹⁰ Compl. at 1-2 (May 10, 2023); Letter from Derek Ross, Couns. to Thomas Datwyler, to Jacqueline Gausepohl, Senior Campaign Fin. Analyst, FEC (Jan. 27, 2023).

1 obligations under Commission regulations to appoint a new treasurer within 10 days and that “in
2 order to conduct any business, they must have an active treasurer [and that] [f]ailure to appoint a
3 treasurer will result in the inability of the committee to accept contributions and make
4 disbursements.”¹¹

5 On February 20, 2023, GADS PAC, Devolder Santos Victory Committee, and Devolder
6 Santos for Congress Recount amended their Statements of Organization to designate Andrew
7 Olson as treasurer; Devolder-Santos for Congress did the same on February 21, 2023.¹² From
8 the time of his designation as treasurer, until he resigned on May 20, 2023,¹³ only one of the
9 Committees filed a disclosure report containing financial activity.¹⁴ Specifically, Devolder-
10 Santos for Congress filed its 2023 April Quarterly Report with Olson’s electronic signature,
11 disclosing \$5,333.26 in receipts and \$8,352.78 in disbursements.¹⁵

¹¹ *E.g.*, Devolder-Santos for Congress, RFAI (Feb. 14, 2023), <https://docquery.fec.gov/pdf/174/202302140300171174/202302140300171174.pdf>.

¹² GADS PAC, Amended Statement of Org. at 3 (Feb. 20, 2023); Devolder Santos for Congress, Amended Statement of Org. at 3 (Feb. 20, 2023); Devolder Santos Victory Committee, Amended Statement of Org. at 3 (Feb. 20, 2023); Devolder-Santos for Congress, Amended Statement of Org. at 3 (Feb. 21, 2023). Olson was also named treasurer of other political committees associated with Santos at this time. *See* 2022 Victory Committee, Amended Statement of Org. at 2-3 (Feb. 20, 2023); Santos D’Esposito Nassau Victory Comm., Amended Statement of Org. at 2-3 (Feb. 20, 2023); Devolder Santos Nassau Victory Comm., Amended Statement of Org. at 2-3 (Feb. 20, 2023).

¹³ *E.g.*, Devolder-Santos for Congress, Miscellaneous Text (May 20, 2023) (reflecting treasurer’s resignation).

¹⁴ Devolder Santos for Congress Recount filed a 2023 April Quarterly Report with Olson’s electronic signature that disclosed no activity. Neither GADS PAC nor Devolder Santos Victory Committee had a report due while Olson served as their treasurer. Olson’s name did appear on disclosure reports filed for other Committees associated with Santos not named in the Complaint, but Devolder-Santos for Congress does not report receiving these contributions. *See* Devolder Santos Nassau Victory Comm., 2023 Termination Report at 5 (Feb. 20, 2023), <https://docquery.fec.gov/pdf/238/202302209578685238/202302209578685238.pdf> (disclosing a \$1,115.70 transfer to Devolder-Santos for Congress on Feb. 20, 2023); 2022 Victory Comm., Amended 2023 Termination Report at 5 (Feb. 20, 2023), <https://docquery.fec.gov/pdf/025/202302209578680025/202302209578680025.pdf> (disclosing a \$1,439.40 transfer to Devolder-Santos for Congress on Jan. 19, 2023); Santos D’Esposito Nassau Victory Comm., Amended 2023 Termination Report at 5 (Feb. 20, 2023), <https://docquery.fec.gov/pdf/036/202302209578685036/202302209578685036.pdf> (disclosing a \$2,000 transfer to Devolder-Santos for Congress on Dec. 31, 2022).

¹⁵ Devolder-Santos for Congress, 2023 April Quarterly Report at 4 (Apr. 15, 2023), <https://docquery.fec.gov/pdf/905/202304159580904905/202304159580904905.pdf>.

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1 Jason Boles is the current reported treasurer for the Committees.¹⁶ The first reports he
 2 filed on behalf of Devolder-Santos for Congress and Devolder Santos Victory Committee
 3 included memo text entries stating that historical data provided to him was incomplete.¹⁷ Boles
 4 spoke to RAD regarding the Committees' filing obligations and explained he was only handling
 5 the current filing obligations of the Committees and that he was not in contact with the past
 6 treasurer, and was not sure if the prior treasurer existed. ■

7 The Complaint alleges that the Committees operated for a period without a treasurer and
 8 that the Committees inaccurately reported both Datwyler and Olsen as their treasurer, asserting
 9 that the former never gave permission to be treasurer and that the latter did not exist.¹⁹ On
 10 May 15, 2023, notification letters with the Complaint were sent to Olson in his official capacity
 11 as treasurer.²⁰ On June 29, 2023, the Commission received an unsigned email purportedly from
 12 Olson stating that he was no longer treasurer for the Committees, though it is unclear whether
 13 Olson was the true sender of that email.²¹ The Committees did not respond to the Complaint.

¹⁶ E.g., Devolder-Santos for Congress, Amended Statement of Org. at 3 (May 20, 2023).

¹⁷ Devolder-Santos for Congress, 2023 July Quarterly Report at 5 (July 14, 2023), <https://docquery.fec.gov/pdf/364/202307149582543364/202307149582543364.pdf>; Devolder Santos Victory Comm., 2023 Mid-Year Report at 6 (July 14, 2023), <https://docquery.fec.gov/pdf/338/202307149582543338/202307149582543338.pdf>.

■ [REDACTED]

¹⁹ Compl. at 2. Regarding Olsen's apparent nonexistence, the Complaint states that a search of the Commission website shows that Olson is not listed as treasurer for any other political committees besides those associated with Santos, that local political leaders in Santos's congressional district stated that they had not met Olson or heard of him, and that news articles reporting on Santos's history of creating fake names and using these aliases in public further supports that Olson may not be a real individual. *Id.* at 11-12.

²⁰ Compl. Notification Letter (May 15, 2023).

²¹ Email from "Andrew Olson" (apolson1964@gmail.com), Devolder-Santos for Congress, GADS PAC, Devolder-Santos for Congress Recount, and Devolder Santos Victory Comm., to Christal Dennis, Paralegal, FEC Office of Complaints Examination & Legal Administration (June 29, 2023, 12:42 EST) (stating that "I am no longer the treasurer for this entity and have not been for over a month now"). ■

■ [REDACTED]

1 On October 26, 2023, Datwyler's attorney sent a letter to RAD explaining that "recent
 2 public reporting has caused me to lose confidence in the accuracy and veracity of the information
 3 provided by Mr. Datwyler" and stating that "I feel obligated to correct the record and formally
 4 withdraw my earlier submissions on behalf of Mr. Datwyler."²² Subsequently, available
 5 information, including Santos's public statements [REDACTED], revealed that
 6 Datwyler agreed to perform the duties of treasurer for the Committees, but only if he would not
 7 be named their treasurer on filings with the Commission; thus, Datwyler recruited Olson for the
 8 position and Olson agreed to serve as a "stand-in" to be the Committees' named treasurer.²³
 9 While Olson appears to have been responsible for opening a bank account, opening a P.O. Box,
 10 and signing some checks for the Committees, there is conflicting information on whether he
 11 prepared and filed any reports with the Commission. ■

²² Letter from Derek Ross, Couns. to Thomas Datwyler, to Kristin Roser, Compliance Branch Chief, RAD, FEC (Oct. 26, 2023), <https://docquery.fec.gov/pdf/372/202310270300454372/202310270300454372.pdf>.

²³ [REDACTED]
 [REDACTED]
 [REDACTED] Santos confirmed this arrangement on an X post. George Santos (@MrSantosNY), X (July 26, 2024, 1:21 PM), <https://x.com/MrSantosNY/status/1816886544088895837> ("Datwyler agreed to take on my campaign compliance and it's all in writing... it wasn't until [*sic*] he received pushback from the @NassauNYGOP, @ANTHONYDESPO and, @nicklalota (all clients of his) that he came out publicly and fraudulently said he did NOT authorize to be added to the campaign on the FEC[.] . . . Days later after the press fall out he reached out saying that a member of his staff 'Andrew Olson' would be ahead of my account and he would manage it all behind the scenes[.]"). *See also*, Roger Sollenberger, Solving the Mystery of George Santos'[s] Sham Campaign Treasurer, DAILY BEAST (Oct. 19, 2023), <https://www.thedailybeast.com/solving-the-mystery-of-george-santos-sham-campaign-treasurer> (quoting Santos as stating that "[Datwyler] agreed to be the treasurer, then when he started getting heat from clients, he made up that entire story that 'Oh no, I never agreed.'").

1 **III. LEGAL ANALYSIS**

2 The Act and Commission regulations require every political committee to have a
3 treasurer.²⁵ The duties of the treasurer include keeping an account of receipts and disbursements,
4 preserving all records of receipts and disbursements, filing reports of receipts and disbursements
5 with the Commission, and signing each report.²⁶ No contributions shall be accepted or
6 expenditures shall be made by or on behalf of a political committee “during any period in which
7 the office of treasurer is vacant.”²⁷ It is the responsibility of a committee to report the name and
8 address of its treasurer to the Commission, and any change in treasurer must be reported to the
9 Commission within 10 days.²⁸ The Statement of Organization (FEC Form 1) requires a
10 certification from the treasurer signing the form that they “certify that I have examined this
11 Statement and to the best of my knowledge and belief it is true, correct and complete” and notes
12 that changes in information should be reported within 10 days.²⁹

13 The Complaint alleges that the Committees misidentified their treasurer on their
14 Statements of Organization by falsely naming Datwyler without his consent, and by naming
15 Olson, whom the Complaint alleges may not exist. According to the Complaint, the Committees
16 thus operated without a treasurer for a period of time after Marks resigned.

²⁵ 52 U.S.C. § 30102(a); 11 C.F.R. § 102.7.

²⁶ 52 U.S.C. §§ 30102(c)-(d), 30104(a).

²⁷ *Id.* § 30102(a); 11 C.F.R. § 102.7(b). The Commission’s campaign guide also instructs committees that “[a] committee cannot raise or spend funds when there is a vacancy in the office of treasurer.” FEC, CAMPAIGN GUIDE: CONGRESSIONAL CANDIDATES AND COMMITTEES at 7 (Oct. 2021), <https://www.fec.gov/resources/cms-content/documents/policy-guidance/candgui.pdf>.

²⁸ 52 U.S.C. § 30103(a)-(c); 11 C.F.R. §§ 102.1(d), 102.2(a)(1), (2).

²⁹ See FEC Form 1 (Statement of Organization) at 1, <https://www.fec.gov/resources/cms-content/documents/policy-guidance/fecfrm1.pdf>; 11 C.F.R. § 102.2(a)(2); see also Instructions for FEC Form 1 and Related Schedules at 3, <https://www.fec.gov/resources/cms-content/documents/policy-guidance/fecfrm1i.pdf> (“The treasurer of the political committee is personally responsible for the timely and complete filing of this Statement and for the accuracy of any information contained in it”).

1 In prior matters, the Commission has determined that a committee violated its reporting
2 duties when it listed on its Statement of Organization a person nominally designated as treasurer
3 and not the person who actually fulfilled the duties and responsibilities of the treasurer
4 position.³⁰ However, here, there is conflicting information regarding Olson's involvement in the
5 Committees' activities, specifically with regard to reporting duties; while Olson denies filing
6 disclosure reports with the Commission, Datwyler states that both he and Olson filed the
7 Committees' reports. ■ Even if Datwyler handled most of the core duties of treasurer,
8 specifically all of the reporting and recordkeeping, it appears that Olson also performed some
9 duties when he signed checks, traveled to Washington, DC to open a PO Box, and opened a
10 bank account. ■ In any event, the short period of time at issue is three months and Datwyler only
11 filed one report that contained financial activity on it during that time frame.³³ Thus, the
12 Commission need not reach a determination of who should have been properly listed as treasurer
13 since, even if Olson should not have been listed due to his minimal duties, proceeding here
14 would not be an efficient use of the Commission's limited resources.

³⁰ MUR 2002 (Batts) (finding reason to believe the Committee failed to amend its Statement of Organization to identify the individual as treasurer who actually performed the treasurer duties); Judgment at 1, *FEC v. Comm. to Elect Bennie O. Batts*, No. 87-cv-5789 (S.D.N.Y. Feb. 24, 1989) (finding that the Committee failed to accurately identify its treasurer); MUR 3790 (Committee to Elect Tony Valencia) (finding reason to believe the Committee failed to amend its Statement of Organization to update its treasurer to disclose individual that filed its reports). *But see* MUR 5358 (Morgan for Congress, *et al.*) (finding reason to believe that the candidate was personally liable as *de facto* treasurer when he took responsibility of completing reporting after treasurer of record stopped performing treasurer duties); MUR 5646 (Burchfield, *et al.*) (finding reason to believe that the campaign manager personally liable as *de facto* treasurer where the treasurer listed on the Statement of Organization served only as a figurehead treasurer); MUR 7677 (James R. Schwartz II) (finding campaign manager personally liable as *de facto* treasurer where he performed the duties of the treasurer and named the treasurer without his consent).

■ [REDACTED]
■ [REDACTED]
³³ *See supra* note 14.

1 The record is also unclear regarding whether anyone, including Datwyler, performed the
2 duties of treasurer during the short period when the Committees listed Datwyler's name on their
3 Statements of Organization from January 25 to 27, 2023. Datwyler's attorney originally sent a
4 letter stating that Datwyler declined to be treasurer;³⁴ however, Datwyler's attorney later asked
5 for this letter to be rescinded [REDACTED]

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 It appears, however, that the Committees did operate for a period of time without a
11 treasurer. The available information indicates that Marks resigned on or about January 5, 2023,
12 and Olson was not designated as treasurer until February 20, 2023. Datwyler was briefly named
13 treasurer for a period of three days, from January 25 to 27, 2023, until his attorney filed a letter
14 to remove his name as treasurer.³⁶ Therefore, the Committees should not have been accepting
15 contributions or making expenditures during the time the office of the treasurer was vacant, yet
16 we are aware that at least one of the Committees engaged in financial activity during that time.³⁷

17 Nevertheless, we do not believe that it is a prudent use of Commission resources to
18 pursue this violation further. Although the Committees' exact level of activity during the time
19 that they did not have a treasurer is unclear, the available information suggests that it may have
20 been minimal. Here, Devolder-Santos for Congress disclosed \$254.93 in contributions and

³⁴ See *supra* note 10.

³⁵ See *supra* notes 22 – 24.

³⁶ See *supra* note 10.

³⁷ See *supra* notes 14-15.

1 \$5,800 in disbursements from January 5 through February 20, 2023,³⁸ and the other Committees
 2 did not report any activity for that time frame.³⁹ This apparent low amount in violation does not
 3 warrant the further use of Commission resources.⁴⁰

4 Accordingly, we recommend that the Commission exercise its prosecutorial discretion⁴¹
 5 to dismiss the allegation that the Committees violated 52 U.S.C. § 30102(a) and 11 C.F.R.
 6 § 102.7 by accepting contributions and making expenditures without a treasurer. Additionally,
 7 we recommend the Commission exercise its prosecutorial discretion and dismiss the allegation
 8 that the Committees violated 52 U.S.C. § 30103(b), (c) and 11 C.F.R. § 102.2(a)(1), (2) and
 9 104.14(d) by failing to accurately identify their treasurer. We also recommend that the
 10 Commission issue a letter of admonishment to Devolder-Santos for Congress reminding it that

³⁸ Devolder-Santos for Congress, 2023 April Quarterly Report at 5-6 (Apr. 15, 2023), <https://docquery.fec.gov/pdf/905/202304159580904905/202304159580904905.pdf>. *But see* Devolder-Santos for Congress, Amended 2023 July Quarterly Report at 163-65 (Jan. 31, 2024), <https://docquery.fec.gov/pdf/865/202401319600716865/202401319600716865.pdf> (disclosing a reimbursement to an individual on June 9, 2023 for six disbursements for lodging and flight expenses that occurred in Feb. 2023 before Olson was named treasurer).

³⁹ Devolder Santos Victory Comm., 2023 Mid-Year Report at 7-8 (July 14, 2023), <https://docquery.fec.gov/pdf/338/202307149582543338/202307149582543338.pdf>. GADS PAC, 2023 Mid-Year Report at 2 (July 15, 2023), <https://docquery.fec.gov/pdf/275/202307159582940275/202307159582940275.pdf>; Devolder Santos for Congress Recount, 2023 April Quarterly Report at 2 (Apr. 14, 2023), <https://docquery.fec.gov/pdf/755/202304149580525755/202304149580525755.pdf>; Devolder Santos for Congress Recount, 2023 July Quarterly Report at 2 (July 14, 2023), <https://docquery.fec.gov/pdf/718/202307149582560718/202307149582560718.pdf>.

⁴⁰ The amount in violation is still low even when accounting for the three other joint fundraising committees associated with Santos that disclosed transfers to Devolder-Santos for Congress totaling \$4,555.10, which Devolder-Santos for Congress did not report. *See supra* note 14; *see also* *FEC Receipts: Filtered Results*, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00721365&contributor_name=2022+Victory+Committee+&contributor_name=DEVOLDER+SANTOS+NASSAU+VICTORY+COMMITTEE&contributor_name=SANTOS+D%27ESPOSITO+NASSAU+VICTORY+COMMITTEE&min_date=12%2F20%2F2022&max_date=12%2F31%2F2024 (last visited Mar. 13, 2025) (reflecting Devolder-Santos for Congress has not reported any receipts from Devolder Santos Nassau Victory Committee, 2022 Victory Committee, or Santos D'Esposito Nassau Victory Committee since they reported the transfers).

⁴¹ *See Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

1 no contribution or expenditure shall be accepted or made by or on behalf of a political committee
 2 at a time when there is a vacancy in the office of the treasurer.⁴²

3 **IV. RECOMMENDATIONS**

- 4 1. Dismiss the allegation that Devolder-Santos for Congress and Jason Boles in his
 5 official capacity as treasurer; Devolder Santos Victory Committee and Jason
 6 Boles in his official capacity as treasurer; GADS PAC and Jason Boles in his
 7 official capacity as treasurer; and Devolder Santos for Congress Recount and
 8 Jason Boles in his official capacity as treasurer violated 52 U.S.C. § 30102(a) and
 9 11 C.F.R. § 102.7 by accepting contributions or making expenditures when there
 10 was a vacancy in the office of the treasurer;
- 11 2. Dismiss the allegation that Devolder-Santos for Congress and Jason Boles in his
 12 official capacity as treasurer; Devolder Santos Victory Committee and Jason
 13 Boles in his official capacity as treasurer; GADS PAC and Jason Boles in his
 14 official capacity as treasurer; and Devolder Santos for Congress Recount and
 15 Jason Boles in his official capacity as treasurer violated 52 U.S.C. § 30103(b), (c)
 16 and 11 C.F.R. § 102.2(a)(1), (2) and 104.14 (d) by failing to accurately identify
 17 their treasurer;
- 18 3. Issue a letter of admonishment to Devolder-Santos for Congress in connection
 19 with violations of 52 U.S.C. § 30102(a) and 11 C.F.R. § 102.7 concerning
 20 accepting contributions or making expenditures when there was a vacancy in the
 21 office of the treasurer;
- 22 4. Approve the attached Factual and Legal Analysis;
- 23 5. Approve the appropriate letters; and

⁴² Cert. ¶¶ 1-2 (Aug. 10, 2022), MUR 7880 (Mike Gaul f/k/a Patriot Party, *et al.*) (Commission dismissed as a matter of prosecutorial discretion and issued an admonishment letter that the respondents filed an inaccurate Statement of Organization.) While the Commission recently promulgated a new policy on Commission actions at the start of the enforcement process that removes the formal option of voting to “dismiss with admonishment,” this does not preclude the Commission from including language in its closing letters that admonishes a respondent. Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 89 Fed. Reg. 19729 (Mar. 20, 2024).

