



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

June 2, 2025

VIA UPS

GADS PAC
126 C Street NW
Third Floor
Washington, DC 20001

RE: MUR 8138

To whom it may concern:

On May 10, 2023, the Federal Election Commission notified GADS PAC (the “Committee”) of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On April 30, 2025, the Commission, on the basis of the information provided in the complaint and information available to the Commission, voted to dismiss the allegation that the Committee violated 52 U.S.C. § 30102(a) and 11 C.F.R. § 102.7 by accepting contributions or making expenditures when there was a vacancy in the office of the treasurer and violated 52 U.S.C. § 30103(b), (c) and 11 C.F.R. §§ 102.2(a)(1), (2) and 104.14 (d) by failing to accurately identify its treasurer. Accordingly, the Commission voted to close its file in this matter effective June 2, 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 Factual and Legal Analysis or 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,

Ana J. Peña-Wallace

Ana J. Peña-Wallace
Assistant General Counsel

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENTS: Devolder-Santos for Congress and Jason Boles MUR 8138
4 in his official capacity as treasurer
5 Devolder Santos Victory Committee and Jason
6 Boles in his official capacity as treasurer
7 GADS PAC and Jason Boles in his official
8 capacity as treasurer
9 Devolder Santos for Congress Recount and Jason
10 Boles in his official capacity as treasurer

11 **I. INTRODUCTION**

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

25 As discussed below, the available information confirms that Datwyler did not consent to
26 be the Committees’ named treasurer, but that Olson does exist and agreed to be treasurer for the

1 Committees.¹ However, there was approximately a one-month period when the Committees did
2 not disclose the name of any treasurer yet one of the Committees still engaged in financial
3 activity during this time. As explained further below, because the duration of this time without a
4 treasurer appears to have been limited, and there appears to have been little financial activity
5 during that time, the Commission exercises its prosecutorial discretion and dismisses the
6 allegations that the Committees violated 52 U.S.C. § 30102(a) and 11 C.F.R. § 102.7 by
7 accepting contributions and making expenditures during a period in which there is a vacancy in
8 the office of treasurer. Finally, the Commission exercises its prosecutorial discretion and
9 dismisses the allegation that the Committees violated 52 U.S.C. § 30103(b), (c) and 11 C.F.R.
10 §§ 102.2(a)(1), (2) and 104.14(d) by filing false statements of organization misidentifying their
11 treasurer.

12 **II. FACTUAL BACKGROUND**

13 Devolder-Santos for Congress is the principal campaign committee for former United
14 States Representative George Anthony Devolder-Santos who, during the relevant time, was a
15 candidate for re-election for New York's 3rd Congressional District.² GADS PAC is Santos's
16 leadership PAC.³ Devolder Santos Victory Committee is a joint fundraising committee for

¹ See *infra* page 4.

² Devolder-Santos for Congress, Statement of Org. at 2 (May 30, 2023). Devolder-Santos for Congress, Statement of Candidacy (Mar. 7, 2024), <https://docquery.fec.gov/cgi-bin/forms/H0NY03083/1695128/>.

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

1 Devolder-Santos for Congress and GADS PAC.⁴ Devolder Santos for Congress Recount is an
2 additional authorized committee for Santos.⁵

3 Nancy Marks was designated as treasurer for the Committees on their Statements of
4 Organization when they first registered with the Commission until her resignation on or about
5 January 5, 2023.⁶ On January 25, 2023, the Committees filed amended Statements of
6 Organization listing Thomas Datwyler as their treasurer.⁷ The next day, the Reports Analysis
7 Division (“RAD”) sent a Verification of Statement of Organization letter to the Committees
8 indicating that they may have failed to include “the true, correct, or complete treasurer
9 information.”⁸ On January 27, 2023, Datwyler’s attorney sent a letter to RAD stating that
10 “Datwyler [was] not the treasurer” for the Committees, “did not file or authorize the filing of the
11 Form 1” and requested “that the filing be withdrawn, that Mr. Datwyler’s name be removed from
12 the public record, and that [the Commission] refer this matter to the appropriate law enforcement
13 agency.”⁹ RAD sent a Request for Additional Information (“RFAI”) to the Committees
14 notifying them that their treasurer resigned and that the Commission had not yet received
15 information regarding a new treasurer; the RFAI also reminded the Committees of their
16 obligations under Commission regulations to appoint a new treasurer within 10 days and that “in

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).

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.

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

⁸ *E.g.*, Devolder-Santos for Congress, Request for Add’l Info. (“RFAI”) (Jan. 26, 2023), <https://docquery.fec.gov/pdf/202/202301260300169202/202301260300169202.pdf>.

⁹ 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 order to conduct any business, they must have an active treasurer [and that] [f]ailure to appoint a
2 treasurer will result in the inability of the committee to accept contributions and make
3 disbursements.”¹⁰

4 On February 20, 2023, GADS PAC, Devolder Santos Victory Committee, and Devolder
5 Santos for Congress Recount amended their Statements of Organization to designate Andrew
6 Olson as treasurer; Devolder-Santos for Congress did the same on February 21, 2023.¹¹ From
7 the time of his designation as treasurer, until he resigned on May 20, 2023,¹² only one of the
8 Committees filed a disclosure report containing financial activity.¹³ Specifically, Devolder-
9 Santos for Congress filed its 2023 April Quarterly Report with Olson’s electronic signature,
10 disclosing \$5,333.26 in receipts and \$8,352.78 in disbursements.¹⁴

¹⁰ *E.g.*, Devolder-Santos for Congress, RFAI (Feb. 14, 2023), <https://docquery.fec.gov/pdf/174/202302140300171174/202302140300171174.pdf>.

¹¹ 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).

¹² *E.g.*, Devolder-Santos for Congress, Miscellaneous Text (May 20, 2023) (reflecting treasurer’s resignation).

¹³ 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).

¹⁴ Devolder-Santos for Congress, 2023 April Quarterly Report at 4 (Apr. 15, 2023), <https://docquery.fec.gov/pdf/905/202304159580904905/202304159580904905.pdf>.

1 Jason Boles is the current treasurer for the Committees.¹⁵ The first reports he filed on
2 behalf of Devolder-Santos for Congress and Devolder Santos Victory Committee included memo
3 text entries stating that historical data provided to him was incomplete.¹⁶

4 The Complaint alleges that the Committees operated for a period without a treasurer and
5 that the Committees inaccurately reported both Datwyler and Olsen as their treasurer, asserting
6 that the former never gave permission to be treasurer and that the latter did not exist.¹⁷ On
7 May 15, 2023, notification letters with the Complaint were sent to Olson in his official capacity
8 as treasurer.¹⁸ On June 29, 2023, the Commission received an unsigned email purportedly from
9 Olson stating that he was no longer treasurer for the Committees.¹⁹ The Committees did not
10 respond to the Complaint.

11 The available information indicates that Olson was responsible for opening a bank
12 account, opening a P.O. Box, and signing some checks for the Committees.

13 III. LEGAL ANALYSIS

14 The Act and Commission regulations require every political committee to have a
15 treasurer.²⁰ The duties of the treasurer include keeping an account of receipts and disbursements,

¹⁵ *E.g.*, Devolder-Santos for Congress, Amended Statement of Org. at 3 (May 20, 2023).

¹⁶ 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>.

¹⁷ 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.

¹⁸ Compl. Notification Letter (May 15, 2023).

¹⁹ 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").

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

1 preserving all records of receipts and disbursements, filing reports of receipts and disbursements
2 with the Commission, and signing each report.²¹ No contributions shall be accepted or
3 expenditures shall be made by or on behalf of a political committee “during any period in which
4 the office of treasurer is vacant.”²² It is the responsibility of a committee to report the name and
5 address of its treasurer to the Commission, and any change in treasurer must be reported to the
6 Commission within 10 days.²³ The Statement of Organization (FEC Form 1) requires a
7 certification from the treasurer signing the form that they “certify that I have examined this
8 Statement and to the best of my knowledge and belief it is true, correct and complete” and notes
9 that changes in information should be reported within 10 days.²⁴

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

14 The record is also unclear regarding whether anyone, including Datwyler, performed the
15 duties of treasurer during the short period when the Committees listed Datwyler’s name on their
16 Statements of Organization from January 25 to 27, 2023. Datwyler’s attorney originally sent a

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

²² *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>.

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

²⁴ 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](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 letter stating that Datwyler declined to be treasurer.²⁵ However, again, this period was short
2 (three days) and the Committees did not file any reports of receipts and disbursements while
3 Datwyler was their named treasurer.

4 It appears, however, that the Committees did operate for a period of time without a
5 treasurer. The available information indicates that Marks resigned on or about January 5, 2023,
6 and Olson was not designated as treasurer until February 20, 2023. Datwyler was briefly named
7 treasurer for a period of three days, from January 25 to 27, 2023, until his attorney filed a letter
8 to remove his name as treasurer.²⁶ Therefore, the Committees should not have been accepting
9 contributions or making expenditures during the time the office of the treasurer was vacant, yet
10 we are aware that at least one of the Committees accepted contributions and made expenditures
11 during that time.²⁷

12 Nevertheless, we do not believe that it is a prudent use of Commission resources to
13 pursue this violation further. Although the Committees' exact level of activity during the time
14 that they did not have a treasurer is unclear, the available information suggests that it may have
15 been minimal. Here, Devolder-Santos for Congress disclosed \$254.93 in contributions and
16 \$5,800 in disbursements from January 5 through February 20, 2023,²⁸ and the other Committees

²⁵ *See supra* note 9.

²⁶ *See supra* note 9.

²⁷ *See supra* notes 13-14.

²⁸ 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).

1 did not report any activity for that time frame.²⁹ This apparent low amount in violation does not
2 warrant the further use of Commission resources.³⁰

3 Therefore, the Commission exercises its prosecutorial discretion³¹ to dismiss the
4 allegation that the Committees violated 52 U.S.C. § 30102(a) and 11 C.F.R. § 102.7 by accepting
5 contributions and making expenditures without a treasurer. Additionally, the Commission
6 exercises its prosecutorial discretion and dismisses the allegation that the Committees violated
7 52 U.S.C. § 30103(b), (c) and 11 C.F.R. § 102.2(a)(1), (2) and 104.14(d) by failing to accurately
8 identify their treasurer.

²⁹ 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>.

³⁰ 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 13; *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).

³¹ *See Heckler v. Chaney*, 470 U.S. 821, 831 (1985).