



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

November 14, 2024

VIA ELECTRONIC MAIL

Brian Keith Izzolena, Treasurer
McCorkle for Colorado
10158 Stoneridge Terrace
Parker, CO 80134
ike@ike4co.com
izzolena@ike4co.com

RE: MUR 8221

Dear Mr. Izzolena,

On February 29, 2024, the Federal Election Commission notified McCorkle for Colorado (the "Committee") and you in your official capacity as treasurer of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On October 8, 2024, the Commission, on the basis of the information provided in the complaint and information provided by the Committee, voted to dismiss the allegation that McCorkle for Colorado and you in your official capacity as treasurer violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.2(e) by converting campaign funds into personal use. Accordingly, the Commission voted to close its file in this matter effective November 14, 2024.

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) 694-1169.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aaron Rabinowitz".

Aaron Rabinowitz
Assistant General Counsel

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENT(S): McCorkle for Colorado and Brian Keith MUR 8221
4 Izzolena in his official capacity as treasurer
5 Isaac Ian McCorkle

6 **I. INTRODUCTION**

7 This matter arises from a Complaint alleging that Isaac Ian McCorkle, a candidate for
8 Colorado's 4th Congressional District, and his principal campaign committee, McCorkle for
9 Colorado and Brian Izzolena in his official capacity as treasurer (the "Committee"), violated
10 provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), and
11 Commission regulations by converting contributions to personal use with respect to various
12 vehicle, meal, and home office expenses that the Committee disclosed in its regular reports.

13 Respondents deny the allegations. The Response from the Committee contends that
14 McCorkle accrued vehicle expenses while traveling across a large congressional district for
15 campaign activities and provides a mileage log for McCorkle's travel. It further represents that
16 the campaign purchased furniture and pest control services to make the campaign office at
17 McCorkle's home presentable for meetings and provides receipts for the furniture. Finally, the
18 Response states that food and meal expenses were for events attended by McCorkle or related to
19 travel while campaigning.

20 As explained below, based on the information provided by the Respondents and the lack
21 of specific information substantiating the allegations of personal use, the Commission dismisses
22 the allegations that Isaac Ian McCorkle and McCorkle for Colorado and Brian Izzolena in his
23 official capacity as treasurer violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.2(e) by
24 converting campaign funds into personal use.

MUR 8221 (McCorkle for Colorado, *et al.*)

Factual and Legal Analysis

Page 2 of 6

II. FACTUAL BACKGROUND

Isaac Ian McCorkle was a candidate for Colorado’s 4th Congressional District in 2024.¹ Additionally, McCorkle was a candidate in 2020 and 2022 for the same district.² McCorkle for Colorado and Brian Izzolena in his official capacity as treasurer is McCorkle’s authorized committee.³

The Complaint alleges that McCorkle impermissibly used campaign funds for various personal expenses, identifying 72 transactions totaling \$12,946.04, during the 2022 and 2024 election cycles.⁴ Specifically, the Complaint points to \$7,703.60 in expenses related to car repairs that the Complaint alleges were too frequent and gas expenses that the Complaint alleges were on days that the Campaign did not have scheduled events.⁵ The Complaint claims that the Committee reported food-related expenditures in McCorkle’s hometown on days he did not have public events.⁶ The Complaint also alleges that four meal-related expenditures coincided with social media posts indicating that McCorkle’s family was also at the specific restaurant –

¹ Isaac Ian McCorkle, Statement of Candidacy at 1 (Mar. 1, 2023), <https://docquery.fec.gov/pdf/186/202303019578757186/202303019578757186.pdf>.

² McCorkle, Statement of Candidacy at 1 (Feb. 22, 2019), <https://docquery.fec.gov/pdf/587/201902229145579587/201902229145579587.pdf>; McCorkle, Statement of Candidacy at 1 (Feb. 2, 2021), <https://docquery.fec.gov/pdf/932/202102029424921932/202102029424921932.pdf>.

³ McCorkle for Colorado, Amended Statement of Organization at 1 (Apr. 14, 2021), <https://docquery.fec.gov/pdf/300/202104149443330300/202104149443330300.pdf>.

⁴ Compl. at 1-4 (Feb. 26, 2024).

⁵ *Id.* at 1-4. The vehicle expenses consisted of “Auto Repairs,” “car maintenance,” “gas Parker-food and gas,” “maintenance on car,” “Parker- food and gas,” “Parker-new tires,” and “Parking.” *Id.* See also McCorkle for Colorado, Amended 2022 April Quarterly Report (June 21, 2024); McCorkle for Colorado, Amended 2022 12 Day Pre-Primary Report (June 21, 2024); McCorkle for Colorado, Amended 2022 July Quarterly Report (June 21, 2024); McCorkle for Colorado, Amended 2022 October Quarterly Report (June 21, 2024); McCorkle for Colorado, Amended 2022 12 Day Pre-General Report (June 21, 2024); McCorkle for Colorado, 2022 Amended 30 Day Post-General Report (June 21, 2024); McCorkle for Colorado, Amended 2023 April Quarterly Report (June 21, 2024); McCorkle for Colorado, Amended 2023 July Quarterly Report (June 21, 2024); McCorkle for Colorado, Amended 2023 October Quarterly Report (June 21, 2024); McCorkle for Colorado, Amended Year-End Report (June 21, 2024).

⁶ Compl. at 1-4. See also *supra* note 5.

1 although the Complaint does not provide support for this allegation.⁷ The Complaint further
 2 alleges that McCorkle works out of his home and yet the Committee reports payments for pest
 3 control and office furniture.⁸ The Complaint claims that some of the alleged personal use
 4 expenditures occurred while McCorkle’s campaign was suspended between June and November
 5 of 2023, but it does not provide documentation to support this allegation.⁹

6 The Response from the Committee denies that the expenses at issue were for personal
 7 use.¹⁰ It contends that “the candidate is fully retired and does not use the vehicle for a personal
 8 commute or work-related purposes unrelated to campaign operations.”¹¹ Additionally, the
 9 Response states that McCorkle “used his personal vehicle for campaign activities across
 10 Colorado’s largest district.”¹² The Response represents that “meals were for both the candidate
 11 and staff during travel to and from campaign events, candidate appearances, field operations, and
 12 other operational use.”¹³ As to the office furniture, the Response maintains that it used campaign
 13 funds for office furniture for McCorkle’s home office and represents that “[n]on-expendable
 14 equipment has not been disbursed by the campaign and continues to be maintained as campaign
 15 assets.”¹⁴

⁷ Compl. at 2-4. *See also supra* note 5.

⁸ Compl. at 2-4. *See also supra* note 5.

⁹ Compl. at 4.

¹⁰ Resp. at 3 (Apr. 15, 2024). The Committee’s treasurer submitted the Response on behalf of the Committee and does not purport to respond on behalf of McCorkle personally, although he was separately notified.

¹¹ *Id.* at 2.

¹² *Id.* at 1. The Response also provides a spreadsheet documenting over 13,000 miles of travel by McCorkle during the relevant time period. Resp., Attach.

¹³ Resp. at 1.

¹⁴ *Id.* at 2.

1 **III. LEGAL ANALYSIS**

2 The Act affords federal candidates and their campaign committees wide discretion in the
3 disposition of their campaign funds and provides that contributions accepted by a candidate may
4 be used by the candidate “for otherwise authorized expenditures in connection with the campaign
5 for Federal office of the candidate” and “for ordinary and necessary expenses incurred in
6 connection with duties of the individual as a holder of Federal office.”¹⁵ The Act prohibits the
7 conversion of campaign funds by any person to “personal use.”¹⁶ “Personal use” is the use of
8 funds in a campaign account “to fulfill a commitment, obligation or expense of any person that
9 would exist irrespective of the candidate’s campaign or duties as a Federal officeholder.”¹⁷

10 The Act and Commission regulations list certain uses of campaign funds that constitute
11 *per se* conversion to personal use, including home mortgage, rent, utility payments, non-
12 campaign-related automobile expenses, and other non-campaign-related trips.¹⁸ For other
13 payments, the “Commission will determine, on a case-by-case basis, whether other uses” of
14 campaign funds constitute personal use by applying the “irrespective test,” that is, whether the
15 payment fulfills a commitment, obligation, or expense that would exist irrespective of the
16 candidate’s campaign or duties as a federal officeholder.¹⁹ Commission regulations specify that
17 meal, travel, and vehicle expenses are evaluated on a case-by-case basis.²⁰ Such expenses are

15 52 U.S.C. § 30114(a)(1).

16 *Id.* § 30114(b); 11 C.F.R. § 113.2.

17 11 C.F.R. § 113.1(g).

18 52 U.S.C. § 30114(b)(2); 11 C.F.R. § 113.1(g).

19 11 C.F.R. § 113.1(g)(1)(ii).

20 *Id.* § 113.1(g)(1)(ii)(C)-(D).

1 not personal use “[i]f the candidate can reasonably show that the expenses at issue resulted from
 2 campaign or officeholder activities.”²¹

3 The disbursement entries for travel, food, and office expenses do not appear on their face
 4 to violate the prohibition on the conversion of campaign funds to personal use. The Complaint
 5 primarily argues that the amounts of these expenditures seem excessive to the complainant, but
 6 provides no substantive support beyond that assertion.²² The Complaint claims that some of the
 7 travel expenses occurred while McCorkle’s campaign was suspended and that his family was
 8 with him when his campaign paid for food at certain restaurants.²³ But it does not provide
 9 support for those allegations.

10 Not only are the allegations in the Complaint unsubstantiated, but the Response also
 11 provides fulsome information and representations to show that these payments were for
 12 legitimate campaign expenses. The Response provides a mileage log disclosing over 13,000
 13 miles driven by McCorkle related to his campaigns.²⁴ It represents that the office equipment and
 14 pest control expenses were used for McCorkle’s home office for campaign purposes and
 15 provides receipts.²⁵ It also claims that “meals were for both the candidate and staff during travel
 16 to and from campaign events, candidate appearances, field operations, and other operational

²¹ Explanation and Justification for Expenditures; Reports by Political Committees; Personal Use of Campaign Funds, 60 Fed. Reg. 7862, 7868 (Feb. 9, 1995).

²² Compl. at 1-4.

²³ *Id.*

²⁴ Resp., Attach. The Commission has stated in the context of candidate use of a committee-owned vehicle that a regularly updated mileage log would satisfy these recordkeeping requirements. *See* Advisory Opinion 2001-03 (Meeks); Conciliation Agreement ¶ IV.9, MUR 6585 (Edolphus Towns, *et al.*) (noting that the Townses “did not keep a mileage log or other record to document the use of their committee-owned vehicle for campaign and non-campaign activities, as required by 11 C.F.R. § 113.1(g)(8)”).

²⁵ Resp. at 2.

1 use,” and provides dates and descriptions for these campaign events.²⁶ The Commission has
2 previously voted to dismiss allegations in similar circumstances involving claims of personal use
3 based on the amounts and frequency of travel and meal expenses reported by a campaign
4 committee.²⁷

5 Therefore, the Commission dismisses the allegation that the Committee and McCorkle
6 violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.2(e) by converting campaign funds to
7 personal use.

²⁶ Resp. at 2.

²⁷ *E.g.*, Factual & Legal Analysis at 4-6, MUR 7421 (Cramer for Senate, *et al.*).