

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Brandon Herrera; Brandon Herrera for) MUR 8243
Congress and Thomas Datwyler in his)
official capacity as treasurer; BASED)
PAC and Thomas Datwyler in his)
official capacity as treasurer, formerly)
known as Because Real Americans)
Never Doubt Our Nation (“BRANDON)
PAC”); Brandon Herrera Victory)
Committee and Thomas Datwyler in his)
official capacity as treasurer)

AMENDED CERTIFICATION

I, Vicktoria J. Allen, recording secretary for the Federal Election Commission executive session on January 28, 2025, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 8243:

1. Dismiss the allegation that Brandon Herrera Victory Committee and Thomas Datwyler in his official capacity as treasurer violated 52 U.S.C. § 30102(e)(3) and 11 C.F.R. § 102.17(b)(1) by using Brandon Herrera Victory Committee funds to pay for campaign-related activities on behalf of Brandon Herrera for Congress.
2. Dismiss the allegation that the BASED PAC, formerly known as Because Real Americans Never Doubt Our Nation (“BRANDON PAC”) and Thomas Datwyler in his official capacity as treasurer violated 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R. § 110.1(b) by making excessive contributions through the Brandon Herrera Victory Committee, and violated § 52 U.S.C. § 30104(b)(5) and 11 C.F.R. § 104.3(b)(3)(i) by failing to report the associated expenditures.

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3. Dismiss the allegation that Brandon Herrera and Brandon Herrera for Congress and Thomas Datwyler in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by knowingly accepting in-kind contributions and that Brandon Herrera for Congress and Thomas Datwyler in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(6) and 11 C.F.R. § 104.3(b)(4) by failing to report the in-kind contributions.
4. Dismiss the allegation that Brandon Herrera for Congress and Thomas Datwyler in his official capacity as treasurer and Brandon Herrera Victory Committee and Thomas Datwyler in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. 104.3(b)(4) by misreporting the purpose of disbursements.
5. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated December 19, 2024, subject to the edits circulated by Commissioner Broussard and Chair Weintraub's Offices on January 27, 2025 at 10:09am.
6. Approve the appropriate letter(s).
7. Close the file effective 30 days from the date the certification of this vote is signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday).

Commissioners Broussard, Dickerson, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.



Date

Attest:

Vicktoria J Allen

Digitally signed by Vicktoria J
Allen
Date: 2025.02.11 10:26:39 -05'00'

Vicktoria J. Allen
Deputy Secretary of the Commission