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July 8, 2024

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Wanda D. Brown
Assistant General Counsel
Complaints Examination & Legal Administration Federal Election Commission
1050 First Street, N.E.
Washington, DC 20463

***Re: Response to MUR 8254 for Charlene Nijmeh and Charlene for
Congress 2024***

Dear Ms. Brown:

This letter responds, on behalf of Charlene Nijmeh and Charlene for Congress 2024, (the "Committee") (together, the "Respondents") to the baseless Complaint filed by Defend the Vote on May 1, 2024 and demonstrates why the Federal Election Commission (the "Commission") should act quickly to dismiss the matter because there is no reason to believe a violation occurred. A separate response is being submitted concurrently that demonstrates there is no reason to believe that Matthew Ricchiazzi's conduct violated the Federal Election Campaign Act (the "Act") either.

SUMMARY

The Complaint makes both convoluted and confusing, as well as technical and trivial, allegations of violations of the Act and Commission regulations. On the convoluted and confusing, the Complaint alleges that Charlene Nijmeh and the Committee failed to report in-kind contributions in the form of coordinated communications paid for by Mr. Ricchiazzi. The Complaint seems to rely on an inaccurate and unsupported allegation that Mr. Ricchiazzi was an agent of the Committee when he made the expenditures; he was not. It also appears to rely on a theory that Ms. Nijmeh assented to Mr. Ricchiazzi's suggestion that he make the communications. Again, this never happened. Even accepting what was said in the media at face value, there was no assent. The Complaint offers no evidence that Ms. Nijmeh engaged in any coordination and makes broad assumptions based on conclusory statements that are not supported by fact. The information cited by Complainant is insufficient as a matter of

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law to support the analysis as to whether coordination occurred and cannot support such a conclusion or even serve as the basis for further investigation.

On the technical and trivial, the Complaint alleges violations involving incomplete disclaimers on two mailers and reporting deficiencies on the Committee's April 2024 Quarterly Report. The disclaimer issue was an inadvertent mistake by a first-time candidate which the Committee thought it had remedied. The Commission should dismiss these allegations based on its prosecutorial discretion. The alleged debt reporting errors are not errors at all—in fact, they demonstrate the extent to which the Committee carefully filed its reports.

We begin with a brief factual background about Ms. Nijmeh and her small campaign and the role Mr. Ricchiazzi played. We then turn to the allegations relating to the disclaimers and reporting. After explaining why the Commission should dismiss both of those allegations, we turn to the coordination allegations and explain why those too should be dismissed.

FACTUAL BACKGROUND

Ms. Nijmeh has two day jobs. She serves as the Chairwoman of the Muwekma Ohlone Tribe (the "Tribe") and as the Chairwoman of the Green Education Foundation ("GEF"). The present-day Muwekma Ohlone Tribe is comprised of known surviving American Indian lineages aboriginal to the San Francisco Bay region who trace their ancestry through the Missions Dolores, Santa Clara, and San Jose, and who were also members of the historic Federally Recognized Verona Band of Alameda County. The Tribe has been fighting to obtain recognition from the Department of the Interior through both the legal and legislative process for many years. The GEF is a nonprofit organization that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. As a national organization, it is committed to creating a sustainable future through education. GEF aims to identify key factors and impediments influencing sustainability education, evaluate existing approaches, and develop effective educational materials and programs to promote behavior change towards sustainable practices.

In addition to her work for the Tribe and GEF, Ms. Nijmeh decided to become politically active and ran as a Democrat in the primary for California's 18th Congressional District. She ran for Congress to be a voice for the Tribe and to fight for those who have felt unseen, unheard, and unrecognized. This is the first time that Ms. Nijmeh has ever run for office. She had a small campaign team. The Committee had two paid campaign managers

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over time, Katrina Martin and Moses Nelson, as well as other paid staff who served on the field operations team. The campaign relied heavily on volunteers.¹

Mr. Ricchiazzi also works for both GEF as the Chief of Staff, and in support of the Muwekma Ohlone Tribe.² In his work for GEF, Mr. Ricchiazzi has helped the Foundation advance its charitable mission with program development work, RFP responses and business proposals, and legislative affairs, among other initiatives. In his work for the Tribe, Mr. Ricchiazzi has helped the Tribe affirm its federal status by developing legislative affairs strategies, advancing its judicial strategies in light of rulings pertaining to the Tribe's sovereign immunity, and cultivating and structuring nation-to-nation relationships in Indian Country.

Although Mr. Ricchiazzi serves as Chief of Staff for GEF and the Tribe, he did not and does not serve in this position for Ms. Nijmeh personally or for the Committee. While the Complaint refers to him as Ms. Nijmeh's "chief of staff," quoting a newspaper article, and implying that that role is related to the campaign, the full quote, and the accurate statement, is "chief of staff to the chairwoman," which clearly refers to his role with the Tribe.³ Through selective quotations, the Complaint creates the misleading narrative the Mr. Ricchiazzi was the campaign chief of staff.

Mr. Ricchiazzi was one of dozens of volunteers who briefly volunteered for the Committee.⁴ His unpaid services included canvassing and door knocking, handing out literature and door hangers, and helping with sign-in sheets at various events. He never received compensation for his volunteer efforts and had no formal title or campaign role.⁵ He also never performed any volunteer efforts on GEF or Tribe time. He was not given any authority to act as an agent and had no authority to act on behalf of the Committee.

¹ Exhibit A, Nijmeh Decl. ¶ 1.

² *Id.* ¶ 2.

³ *Silicon Valley Congressional Candidate Tied to Fake Newspaper*, SAN JOSE SPOTLIGHT (Feb. 12, 2024), <https://sanjosespotlight.com/silicon-valley-congressional-candidate-charlene-nijmeh-tied-to-fake-newspaper-misinformation-zoe-lofgren-election-2024/#:~:text=News%20articles%20in%20a%20publication.Screenshot>.

⁴ *Id.* ¶ 3.

⁵ *Id.* ¶ 4.

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ARGUMENT

I. The Commission Should Dismiss the Allegations Regarding Disclaimers on the Basis of its Prosecutorial Discretion.

The Complaint alleges that the Committee violated the Act by distributing two mailers that, while bearing the Committee address, lacked a complete disclaimer required to be included on printed materials.⁶ Ms. Nijmeh is a first-time candidate who ran for Congress to provide a voice to her people who serve as a minority in the District. She has no experience in seeking federal elective office and built a small grassroots effort to launch her novice campaign. Of note, Ms. Nijmeh made over a dozen attempts to hire legal counsel for the campaign, but was ultimately unable to find a campaign lawyer who would represent someone running to oppose a sitting Democratic Member of Congress. She thus was forced to figure out compliance on her own. Yet, “[t]he First Amendment does not permit laws that force speakers to retain a campaign finance attorney”⁷

Early in the campaign, the Committee became aware of some misprinted campaign materials that did not have the requisite disclaimers under 11 C.F.R. § 110.11. To remedy this mistake, the campaign purchased stickers that included a complete disclaimer to affix to the misprinted campaign materials.⁸ The Campaign thought that all of the misprinted materials were mailed with the sticker.⁹ Unfortunately, it is clear now that some of the mailers were sent without disclaimers.

While the Complaint focuses on the mailers without the correcting stickers, it also provides examples of two other mailers distributed by the Committee that had all of the necessary disclaimers. This demonstrates that the Committee tried to comply with the law. In addition to these two mailers, the Committee also distributed several other mailers that had the disclaimer. Thus, out of all Committee materials sent by the Committee, the Complainant has identified *two* mailers that did not contain a federally compliant disclaimer,

⁶ See Complaint at III.

⁷ *Citizens United v. FEC*, 558 U.S. 310, 324 (2010).

⁸ Exhibit A, Nijmeh Decl. ¶ 5.

⁹ *Id.*

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but clearly included the Committee's name and return address, suggesting that the mailers were paid for by the Committee.¹⁰

There was no harm to the public or the electoral process because it was clear from the face of the mailer that the mailer was paid for by the Committee.¹¹ This was an accidental and inadvertent error on the part of a new and understaffed campaign. Accordingly, the Commission should exercise its prosecutorial discretion and dismiss these allegations in the Complaint given the Commission has consistently determined that a complaint such as this alleging omission of a required disclaimer is a low priority for Commission action.¹²

II. The Allegations Regarding Reporting Violations Should be Dismissed.

The Complaint also raises two allegations of small reporting violations related to the Committee's April 2024 Quarterly Report.¹³ Like the minor disclaimer issues raised, the first relates to a lack of a proposer description and placement on the correct line of the report, and should be dismissed based on the Commission's prosecutorial discretion. The second allegation is completely spurious and would only be true if the underlying facts were different than what they are. As such, the Commission should find no reason to believe a violation occurred and should dismiss these matters.

A. The minor reporting errors warrant dismissal.

The Complaint alleges that the Committee's 2024 April Quarterly Report contains irregularities including: (1) disbursements that are not accompanied with a description of their purpose; and (2) disbursements for Meta that are incorrectly reported on Line 21 of the

¹⁰ See Complaint at III; Exhibit B.

¹¹ See Exhibit B.

¹² See F&LA at 7, MUR 7004 (The 2016 Committee, et al.) (dismissing, in part, because deficient email disclaimer contained "sufficient information for recipients to understand that the Committee paid for the emails and was not authorized by any candidate or candidate's committee"); F&LA at 11, MUR 6633 (Republican Majority Campaign PAC, et al.) (holding that disclaimers, although technically deficient, "nonetheless contained sufficient information for [] recipients to identify Republican Majority as the sender or webhost and payor"); F&LA at 4-5, MUR 3690 (National Republican Congressional Committee) (concluding that a small, inconspicuous disclaimer that violated the Act's requirements for disclaimers nonetheless accurately identified the true sponsor of a postcard sufficient to avoid violation of section 30214); *id.* at n.1 (noting the post cards at issue "display the NRCC post mark and the return address on their face" and that such information "dispel[s] any theory of fraudulent misrepresentation . . . because they notify the readers of the true identity of the senders").

¹³ Charlene for Congress 2024, [April Quarterly 2024 Form 5](#).

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report as “other disbursements,” instead of Line 17 for “operating expenditures.”¹⁴ These are small reporting errors that are not unusual for a first-time candidate who is unfamiliar with filing federal campaign reports. Moreover, they caused no harm to the public in terms of understanding the Committee’s spending.

In order to ensure compliance for reporting, the Committee hired, a professional treasurer, Stacey Owens (“Owens”), President of S E Owens & Company, to serve as the Committee’s treasurer and manage Committee reporting. Owens has 25 years of experience in political compliance and nonprofit bookkeeping and accounting.¹⁵ Owens was responsible for completing and certifying campaign reports filed with the Commission. Accordingly, Ms. Nijmeh relied on Owens, who touts extensive experience, to ensure the validity of the Committee’s reports. Indeed, the Committee hired Owens to handle reporting specifically to avoid any such errors or inconsistencies and relied on Owens’ expertise to ensure the accuracy of the Committee’s reports for compliance with the Act’s reporting requirements.

The Committee will file amended reports to correct these inadvertent mistakes. The Committee intends to replace Owens as treasurer as well, given that she did not perform as expected.

B. The Committee correctly reported the disbursements to Ms. Nijmeh because they were debt she incurred.

The Complaint alleges that the Committee did not disclose the ultimate payee for several mailers that Ms. Nijmeh paid for. As noted in the Complaint, the Committee reported her payments for mailers as loans to the Committee (indicating an intent to reimburse her). As such, the Committee properly reported those costs as debts owed to her. When the costs are reimbursed to her, the Committee will report the disbursement, with the ultimate vendors itemized via memo entry.

Even though the Complaint notes that the costs for the mailers were treated as candidate debt, it still alleges that the reports should have included the ultimate payee. This is not how reporting for candidate debts works. If these were “unreimbursed disbursements

¹⁴ See Complaint at III.

¹⁵ See S E Owens & Company, Our Staff, <https://www.seowenscompany.com/our-staff.html>.

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by candidates,” then ultimate payee disclosure would be required, and there would have been a violation.¹⁶

But that is not what happened. And it is not what the Committee reported as happening. Rather, Ms. Nijmeh made several out-of-pocket expenses for the campaign and treated those as loans to the campaign so that she can raise funds to be repaid. Because these costs were reported as debts, the costs were properly reported and the Complainant’s allegation is completely misguided.

It is astonishing that the Complainant has managed to allege that there are reporting errors by inventing a financial transaction that did not happen and that was not reported. The Commission should be wary of any of the allegations made by this organization as it clearly attempts to use an alternative reality — some might say “fake news” — to advance its objectives of silencing any dissent from its preferred orthodoxy and Democratic incumbent protection. To that end, we next turn to the Complaint’s allegations of “fake news” and show that it is ironically the Complaint that is once again premised on fake news.

III. The Committee Did Not Receive Any In-Kind Contributions from Mr. Ricchiazzi Because There Were No Coordinated Communications.

The Complaint alleges that the Committee received and failed to report two different in-kind contributions in the form of coordinated communications. One is a newspaper that allegedly does not satisfy the press exemption; the other, a mailer. The Complaint alleged that because Mr. Ricchiazzi was either an “agent” or “former employee or independent contractor,” both of these communications satisfied the conduct prong of the test for coordination.¹⁷ In addition, with respect to the newspaper, the Complaint alleges that Ms. Nijmeh assented to the newspaper communication because she permitted Mr. Ricchiazzi to follow and report on the campaign.¹⁸ As discussed below, even if this is true, it does not rise to the level of assent necessary for the conduct prong of a coordinated communication. A

¹⁶ See Complaint at III (citing [Notice of Notice of Interpretive Rule: Reporting Ultimate Payees of Political Committee Disbursements](#), 78 Fed. Reg. 40,625, 40,626 (July 8, 2013)); [FEC Record: Outreach: Interpretive Rule on Reporting Ultimate Payees of Political Committee Disbursements](#).

¹⁷ Complaint, at I.

¹⁸ *Id.* See also Exhibit A, Nijmeh Decl. ¶¶ 9-10.

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complaint is insufficient if it “presents nothing more than idle, unsupported speculation.”¹⁹ And where a complaint is based solely on speculation, respondents do not bear the burden of proving their innocence.²⁰ Thus, the Complaint fails to allege that either instance was a coordinated communication.

A. Mr. Ricchiazzi was neither an agent nor former employee of the Committee.

The Complaint asserts that Mr. Ricchiazzi was either an agent of the Committee or a former employee or independent contractor. The Complaint says this is true because Mr. Ricchiazzi “has admitted to the press that he is a volunteer for the Committee.” It also says that Mr. Ricchiazzi “self-identifies as Ms. Nijmeh’s chief of staff.” Both are undoubtably true, but neither makes him an agent or former employee of the Committee. As such, there is no basis to conclude that his status alone made the newspaper or mailer coordinated communications. Because the complaint must show that the candidate or campaign conveyed information regarding its “plans, projects, activities, or needs” to the Committee, and that this information was *both* nonpublic and material to the “creation, production, or distribution” of a particular communication disseminated by the Committee,²¹ there is not sufficient information in the Complaint to find reason to believe a violation occurred.²²

A person only qualifies as an agent if he or she “(1) [r]eceives actual authorization, either express or implied, from a specific principal to engage in the specific activities listed in 109.3; (2) engages in those activities on behalf of the specific principal; and (3) those activities would result in a coordinated communication if carried out directly by the candidate, authorized committee staff, or a political party official.”²³ Mr. Ricchiazzi serves as Ms. Nijmeh’s chief of staff at both the Tribe and the GEF. He does not serve in that role with

¹⁹ See [MUR 5467](#) (Michael Moore), First General Counsel’s Report at 6 (July 22, 2004).

²⁰ [MUR 7501](#) (Bill Nelson for U.S. Senate, *et al.*), Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor III at 2 (June 28, 2021), citing [MUR 6747](#) (Rick Santorum for President), Statement of Reasons of Vice Chair Caroline C. Hunter and Comm’rs Lee E. Goodman and Matthew S. Petersen at 2 (Feb. 15, 2017).

²¹ 11 C.F.R. § 109.21(d).

²² See [MUR 5467](#) (Michael Moore), First General Counsel’s Report at 6 (July 22, 2004); *see also* [MUR 7868](#) (Twitter), Supplemental Statement of Reasons, Vice Chair Dickerson & Comm’r Trainor at 4 (Sept. 13, 2021).

²³ Coordinated and Independent Expenditures, 68 Fed. Reg. 424 (Jan. 3, 2003).

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the Committee and has never suggested he does. He has served as an unpaid volunteer for the Committee doing canvassing and similar grass-roots activity. He has never had the authority to engage in any of the activities listed in 11 C.F.R. § 109.3(b).²⁴

While Commission regulations do not specifically define the term “employee” in Section 109.21, the Commission has explained, when adopting the former employee regulation, that the term “former employee” does not apply to individuals who are “volunteers” (i.e., unpaid individuals working for the campaign).²⁵ The Commission even noted that even though some volunteers may operate as highly placed consultants privy to information about the plans, projects, activities, or needs of the candidate, the Commission was excluding volunteers from the former employee conduct standard because Congress’s use of the term “employee” indicated its intent to limit the term to those individuals employed by the campaign for pay.

Mr. Ricchiazzi has never been an employee of the Committee nor did he have any authority to produce or disseminate public communications.²⁶ He was an unpaid volunteer whose efforts were limited to canvassing, door hanging, and other similar grassroots efforts to spread awareness regarding Ms. Nijmeh’s candidacy. In this limited volunteer role, Mr. Ricchiazzi was not in any position to receive information about the plans, projects, activities, or needs of the Committee nor did he receive such information.²⁷ Because Mr. Ricchiazzi was not employed by the Committee, he cannot be considered a former employee.

Thus, regardless of whether *The South Bay Chronicle* or the mailer were expenditures in support of the Committee and Ms. Nijmeh, there is nothing to suggest that Mr. Ricchiazzi was an agent or former employee of the Committee. As such, the conduct prong of a coordinated communication cannot be met and there was no impermissible coordinated

²⁴ Exhibit A, Nijmeh Decl. ¶ 4.

²⁵ Coordinated and Independent Expenditures, Final Rules & Explanation & Justification, 68 Fed. Reg. 439 (Jan. 3, 2003).

²⁶Exhibit A, Nijmeh Decl. ¶ 4.

²⁷ *Id.*

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communication accepted by the Committee.²⁸ Because the Commission does “not authorize Commission investigations based on mere speculation,” the Complaint should be dismissed.²⁹

B. Ms. Nijmeh was not involved with, did not request, suggest or discuss, assent, or otherwise coordinate, the newspaper in question.

The Complaint also alleges that Ms. Nijmeh assented to *The South Bay Chronicle* newspaper published by Mr. Ricchiazzi.³⁰ The Complaint makes that assertion—without any citation—that “[a]ccording to the candidate herself, Mr. Ricchiazzi asked Ms. Nijmeh if he could distribute articles about her, and she provided her approval to do so.”³¹ It appears that this assertion comes from the same *San Jose Spotlight* article used for the inaccurate assertion that Mr. Ricchiazzi was the chief of staff for the Committee.³² And once again, the assertion does not accurately quote the article or Ms. Nijmeh. In the article, she is quoted as saying, “Matthew did ask me if I minded if he followed the campaign and published articles on his site. I told him as long as you publish the truth, I would not silence anyone’s voice trying to uplift our people.”³³

In order to allege coordination when the candidate assents, the regulations explain that the “[t]he communication [must be] created, produced, or distributed at the suggestion of a person paying for the communication and the candidate, authorized committee, or political party committee [must] assent[] to the suggestion.”³⁴ The quote in the article does not mention any specific communication, or the content of those communications. It refers to assent to follow the campaign to write stories about it. Nothing suggests the Committee or Ms. Nijmeh knew what Mr. Ricchiazzi planned to publish, when he planned to publish it, or

²⁸ Ricchiazzi’s separate response addresses the content prong as well.

²⁹ MURs [6789/6852](#) (Special Operations for America, *et al.*), Statement of Reasons, Vice Chairman Petersen & Comm’r Hunter at 4 (May 28, 2019).

³⁰ There are no allegations in the Complaint that Nijmeh assented to the mailer. *See also* Exhibit A, Nijmeh Decl. ¶ 6.

³¹ *See* Complaint at I(a).

³² *See* note 5.

³³ *Id.*

³⁴ 11 C.F.R. § 109.21(d)(1)(ii).

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what he planned to say. It does not suggest she had any idea whether the site would be in support of her or opposed to her. It does not suggest Mr. Ricchiazzi ever showed her (or discussed) the specific content he planned to publish. The quote does not suggest she gave him any kind of preferential access to events. As such, with the *San Jose Spotlight* newspaper article as the only factual basis for the assent allegation, the Commission must dismiss the Complaint because there is no basis to find that the candidate assented to any specific communication (the regulation focuses on “the communication”).³⁵

Even in the article that seems to form the basis of the Complaint’s assent allegations, goes on to say: “So if he published an endorsement without anyone’s permission, that will cross the line.’ Ms. Nijmeh added that she does not endorse the publication and neither does her campaign. ‘I am very upset about any publication that would print an endorsement by Blanca Alvarado that she did not offer,’ she said.” This does not sound like assent in any way (or any knowledge of any specific communication plans).

Moreover, the alleged “request” identified in the article refers to publishing on “his site.” In common parlance, this suggests a website. If this were her understanding, then any articles on “his site” would be exempt as an internet publication, which is not subject to the coordination regulations.

Finally, as explained in Mr. Ricchiazzi’s separate response, the newspaper he published fits within the press exemption. As such, assent to such publication does not create a coordinated communication (certainly candidates must assent to the press following the campaign and publishing articles at some level to facilitate coverage every single day without running afoul of the Commission’s regulations).

In sum, the coordination element of the Complaint fails because Mr. Ricchiazzi was neither an agent of the campaign nor a former employee or independent contractor and Ms. Nijmeh never assented to a coordinated communication. As such, the Commission should find no reason to believe a violation occurred and dismiss the Complaint.

³⁵ Exhibit A, Nijmeh Decl. ¶ 10.

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CONCLUSION

The Complaint filed against Respondents is flawed in many, many ways. The only allegations that are remotely true are the technical and trivial issues common with first-time candidates related disclaimers and reporting. The reporting issues related to using the correct line number and failing to include the purposes of a few disbursements. On a shoestring budget, the Committee hired a political compliance and accounting firm that it thought would have been able to handle the reporting accurately. The other trivial issue relates to an incomplete disclaimer that was printed on some of its mailings. The Committee tried to remedy the disclaimer issue with stickers, but some slipped through the remedial process. Both allegations are minor violations of a first-time candidate and should be dismissed for prosecutorial discretion reasons.

The other reporting violation alleged related to the debt Ms. Nijmeh incurred for mailers. This was not a violation at all and is actually proof that she carefully reported the debt she incurred for her own campaign. As such, there can be no reason to believe a violation occurred.

Finally, the convoluted and confusing allegations about coordination are without merit. There are no facts asserted to suggest that Mr. Ricchiazzi was an agent or former employee of the campaign, meaning that the conduct prong could not be satisfied for either the mailer or the newspaper. Moreover, the allegations of assent by the candidate are also without merit. The Complaint does not include the accurate quote of what Ms. Nijmeh said about the publication, which demonstrates that she never assented to a coordinated communication. Even if she did assent—which she did not—the publication at issue appeared at the time to be a web-based platform which would be exempt from the coordination rules anyway. The Commission should find no reason to believe a violation occurred. Moreover, Ms. Nijmeh has provided a declaration confirming that she never assented to the publication.

The spurious allegations in this Complaint show how a partisan group can try to derail a first-time candidate striving to make a difference for the people of her Tribe. They show how hard it is to be a citizen-candidate. Ultimately, though, “[t]he Commission cannot launch investigations into Americans’ political activities based on speculation or official curiosity, or

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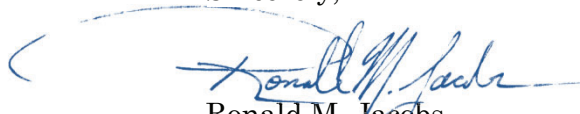
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shift the burden to respondents to prove their innocence.”³⁶ As such, the Commission should dismiss this matter forthwith.

Thank you for your consideration of this matter. Please do not hesitate to contact me with any questions.

Sincerely,



Ronald M. Jacobs
*Counsel to Respondents Charlene Nijmeh and
Charlene for Congress 2024*

³⁶ [MUR 6747](#) (Rick Santorum for President), Statement of Reasons of Vice Chair Caroline C. Hunter and Comm’rs Lee E. Goodman and Matthew S. Petersen at 2 (Feb. 15, 2017).

EXHIBIT A

**Before the
Federal Election Commission**

**In the Matter of Charlene Nijmeh, Charlene |
For Congress 2024, Stacey Owens in her |
official capacity as Treasurer of Charlene |
for Congress 2024, and Matthew Ricchiazzi |**

MUR 8254

Declaration of Charlene Nijmeh

I, Charlene Nijmeh, a competent adult of sound mind, hereby declare under penalty of perjury under the laws of the United States of America:

1. The campaign hired two paid campaign managers (Katrina Martin and Moses Nelson) as well as others in the field operations team.
2. Matt Ricchiazzi does work for Green Education Foundation as my Chief of Staff, and in support of the Muwekma Ohlone Tribe. I serve as Chairwoman of both the Foundation and the Tribe.
3. The campaign relied heavily on dozens of volunteers, and Matt Ricchiazzi did also volunteer some of his time as an unpaid volunteer. However, his volunteer work was very limited as he was working on several other substantial and time-consuming projects that were critically important to my Foundation and my Tribe.
4. Matt Ricchiazzi was not an employee of my campaign and did not manage my campaign. He was never the campaign's chief of staff or campaign manager. He was never given authority to produce or disseminate any public communications, including, but not limited to *The South Bay Chronicle* and the mailer highlighting Roger Stone's views of my election opponent.
5. Neither my campaign nor I had any intention to deceive the public about who was paying for the mailers we sent out. I did not knowingly distribute campaign material without the necessary "Paid for by" disclosure statement. The complaint itself documents that most of the mailers did have the disclosure "Paid for by Charlene for Congress" printed on them.

However, I can confirm that early in the campaign, we did have some misprinted material, and we purchased stickers and stamps that had the correct "Paid for by" disclosure on them to address those misprinted materials. We did not intentionally mail any of those misprints out. If some material was inadvertently sent to the mailer without the disclosures, it was not intentional.

I am a first-time candidate for office, and I had a small campaign team. I made several attempts to hire legal counsel for the campaign, but was ultimately unable to find a local campaign lawyer who would represent someone running to oppose a sitting Democratic Member of Congress. We can show that we included disclosures on our banners, our literature, our radio ads, our billboards, and our lawn signs as evidence of our efforts to be transparent with our disclosures.

I believe that the mailer in question that was missing the disclosure was obvious on its face that it was sent by my campaign as it included the campaign's name and address on the mailer. There is no way that a reasonable person could believe this mailer came from anyone but my campaign, and there was no reason to leave the disclosure off intentionally.

6. I was not aware of the mailer that Matt Ricchiazzi produced highlighting Roger Stone's views of my election opponent. This mailer was not paid for or coordinated by me or my campaign.
7. I have different political views than Matt Ricchiazzi, and his views do not align with my core beliefs and values other than on indigenous political liberation issues.
8. Although I don't agree with some of Matt Ricchiazzi's political views, and we are members of different political parties, I respect his right to have political views and to engage in politics. I don't demand silence from my employees. I don't demand that my employees surrender their right to participate in the political discourse – especially at a time when there are issues that people deeply care about. I respect everyone's right to disagree.
9. Neither I nor Charlene for Congress 2024 published *The South Bay Chronicle*. The campaign did not produce it, and it was not campaigning material. I personally believe it was not helpful to my campaign, and it may have negatively affected my campaign efforts.
10. Neither I nor Charlene for Congress 2024 requested or assented to the publication by Matt Ricchiazzi of *The South Bay Chronicle*.

Dated: July 8, 2024



Charlene Nijmeh

EXHIBIT B

Charlene for Congress
18 S 2nd Street
San Jose, CA 95113

PRSR STD
U.S. POSTAGE
PAID
SAN JOSE, CA
PERMIT 1206



**As a private citizen, Charlene has created 6,000 jobs and
diverts more than 60 million pounds of textile waste from
landfills every year.**

**Imagine what she will get
done, working for you.**



ONE OF US TO FIGHT FOR US

Charlene Nijmeh FOR CONGRESS



**DYNAMIC TRIBAL PRESIDENT
INNOVATIVE ENTREPRENEUR
LEADING ENVIRONMENTALIST**

**44 YEAR CAREER
POLITICIAN**



Charlene for Congress
18 S 2nd Street
San Jose, CA 95113

PRSRT STD
U.S. POSTAGE
PAID
SAN JOSE, CA
PERMIT 1206



Como ciudadana privada, Charlene ha creado 6.000 puestos de trabajo y desvía más de 60 millones de libras de desechos textiles de los vertederos cada año.



Imagínate lo que podría lograr si es electa. Ella trabajará por ti y para ti.



Charlene Concepción Nijmeh
Candidata al Congreso

Uno de nosotros para luchar por nosotros.
Una tradición de servicio.

Charlene Nijmeh PARA EL CONGRESO



**PRESIDENTA TRIBAL DINÁMICA
EMPRESARIA INNOVADORA
AMBIENTALISTA LÍDER**

**POLÍTICA DE CARRERA
DE 44 AÑOS**





FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

AR/MUR/RR/P-MUR# **8254**

Name of Counsel: Ronald Jacobs

Firm: Venable LLP

Address: 600 Massachusetts Ave NW

Washington, DC 20001

Office#: 202-344-8215

Fax#: 202-344-8300

Mobile#: [REDACTED]

E-mail: RMJacobs@Venable.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/3/2024

Date

[Signature]

(Signature - Respondent/Agent/Treasurer)

Candidate

Title

Charlene Nijmeh

(Name – Please Print)

Charlene Nijmeh

RESPONDENT:

(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 409 Tenant Station, No. 422
(Please Print)

Morgan Hill, CA 95037

Home#: _____ Mobile#: [REDACTED]

Office#: _____ Fax#: _____

E-mail: cnijmeh@muwekma.org

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.