



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

May 23, 2025

VIA UPS AND ELECTRONIC MAIL

brian@wedefendthevote.org

Brian Lemek
Defend the Vote
600 Pennsylvania Avenue, SE #15180
Washington, DC 20003

RE: MUR 8254
Charlene for Congress 2024, *et al.*

Dear Mr. Lemek:

This is in reference to the complaint filed with the Federal Election Commission on May 1, 2024, concerning Charlene for Congress 2024, *et al.* Based on that complaint, and after considering the circumstances of this matter and information provided in response to the complaint, the Commission determined to dismiss this matter and close the file effective May 23, 2025.

The General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed. 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).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action within 60 days of the dismissal, which became effective today. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Aaron Rabinowitz

BY: Aaron Rabinowitz
Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR 8254

Respondents: Charlene for Congress 2024 and Stacy Owens in her official capacity as treasurer
Charlene Nijmeh
Matt Ricchiazzi

Complaint Receipt Date: May 1, 2024

Date of Responses: July 8, 2024



Alleged Statutory/

Regulatory Violations:

52 U.S.C. §§ 30104(a)-(b), 30116(a), (f), 30120(a)
11 C.F.R. §§ 104.3, 104.4, 109.20, 109.21

The Complaint alleges that Matt Ricchiazzi, a self-described citizen-journalist, made, and Charlene Nijmeh, 2024 candidate in California’s 18th Congressional District,¹ and Nijmeh’s principal campaign committee, Charlene for Congress 2024 and Stacy Owens in her official capacity as treasurer (the “Committee”),² knowingly accepted, an unreported, excessive coordinated in-kind contribution in the form of a one-time fake newspaper Ricchiazzi funded that supported Nijmeh, or, alternatively, that Ricchiazzi made an unreported independent expenditure in support of Nijmeh, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).³ The Complaint alleges that Ricchiazzi produced and distributed an “Election Edition” of a publication called “The South Bay Chronicle” that had never before or since been published, which lacked an

¹ Charlene Concepcion Nijmeh, Statement of Candidacy at 1 (Oct. 30, 2023), <https://docquery.fec.gov/pdf/832/202310309598885832/202310309598885832.pdf>. Nijmeh lost the nonpartisan primary election after receiving 10,631 votes, or 11% of those cast. CALIFORNIA SECRETARY OF STATE, March 5, 2024, Presidential Primary Election - Statement of Vote at 11, 83 (Mar. 5, 2024), <https://elections.cdn.sos.ca.gov/sov/2024-primary/sov/complete-sov-updated.pdf>.

² Charlene for Congress 2024, Statement of Organization at 2 (Oct. 30, 2023), <https://docquery.fec.gov/pdf/759/202310309598885759/202310309598885759.pdf>.

³ Compl. at 4-6, 8-11 (May 1, 2024).

MUR 8254 (Charlene for Congress 2024, *et al.*)

EPS Dismissal Report

Page 2 of 4

1 adequate disclaimer, to voters in California’s 18th Congressional District in February 2024 that
2 expressly advocated for Nijmeh.⁴ The Complaint contends that the publication is not subject to the
3 media exemption.⁵ Next, the Complaint alleges that Ricchiazzi produced and distributed a mailer
4 that expressly advocated for Nijmeh but which lacked an adequate disclaimer, and alleges that the
5 mailer was either coordinated with the Committee and should have been reported as an in-kind
6 contribution or else that Ricchiazzi was required to but failed to disclose the mailer as an
7 independent expenditure.⁶ Finally, the Complaint alleges that other mailers distributed by the
8 Committee lacked adequate disclaimers, and that some of the disclosure reports filed by the
9 Committee contained disbursements without adequate descriptions.⁷

10 The Response by Nijmeh and the Committee states that Ricchiazzi was not an agent or
11 employee of the Committee, that neither Nijmeh nor the Committee assented to either of the
12 communications allegedly distributed by Ricchiazzi, and argue that therefore the communications
13 were not coordinated.⁸ The Response also argues that the alleged inadequate disclaimers on the
14 mailers distributed by the Committee and alleged deficiencies in the Committee’s disclosure reports
15 were “technical and trivial.”⁹

16 Ricchiazzi’s Response states that the communications at issue were not coordinated with the
17 Committee or Nijmeh, argues that “The South Bay Chronicle” is subject to the media exemption,
18 and requests that the Commission dismiss the Complaint in an exercise of its prosecutorial

⁴ *Id.* at 2-3.

⁵ *Id.* at 2-9.

⁶ *Id.* at 9-10.

⁷ *Id.* at 10-11.

⁸ Nijmeh and Committee Resp. at 8-12 (July 8, 2024).

⁹ *Id.* at 2, 4-7.

MUR 8254 (Charlene for Congress 2024, *et al.*)

EPS Dismissal Report

Page 3 of 4

1 discretion.¹⁰ Ricchiazzi's Response also represents that he spent only \$12,047.75 to distribute the
2 mailer and acknowledges that he failed to disclose the independent expenditure due to a lack of
3 understanding of the law.¹¹ Ricchiazzi does not represent the cost of producing and distributing
4 "The South Bay Chronicle."

5 Based on its experience and expertise, the Commission has established an Enforcement
6 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
7 assess whether particular matters warrant further administrative enforcement proceedings. These
8 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
9 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
10 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
11 potential violations and other developments in the law. This matter is rated as low priority for
12 Commission action after application of these pre-established criteria. Given that low rating and the
13 apparent low dollar amount ant issue, we recommend that the Commission dismiss the Complaint,
14 consistent with the Commission's prosecutorial discretion to determine the proper ordering of its
15 priorities and use of agency resources.¹² We also recommend that the Commission close the file

¹⁰ Ricchiazzi Resp. at 4-10, 15 (July 8, 2024).

¹¹ *Id.* at 14-15.


¹² *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

MUR 8254 (Charlene for Congress 2024, *et al.*)

EPS Dismissal Report

Page 4 of 4

1 effective 30 days from the date the certification of the vote is signed (or on the next business day
2 after the 30th day, if the 30th day falls on a weekend or holiday) and send the appropriate letters.

3
4 Lisa J. Stevenson
5 Acting General Counsel
6
7 March 27, 2025
8 Date BY: 
9 Claudio J. Pavia
10 Deputy Associate General Counsel

11 Aaron Rabinowitz
12 Aaron Rabinowitz
13 Assistant General Counsel
14

15
16 Gordon King
17 Gordon King
18 Attorney
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