

RECEIVED

FEDERAL ELECTION COMMISSION

MAY 20, 2024 8:30 AM

FEDERAL ELECTION COMMISSION**OFFICE OF GENERAL COUNSEL**

Tiffany Muller
 End Citizens United
 PO Box 66005
 Washington, DC 20035

MUR 8263

Complainant,

v.

Alison Esposito

[REDACTED]
 New York, 10128

Esposito For Congress
 Taylor Moose in their official capacity as treasurer
 PO BOX 622
 Goshen, NY 10924

Respondents.

COMPLAINT

This complaint is filed with the Federal Election Commission (“FEC”) pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that Esposito For New York used campaign funds to reimburse travel unrelated to campaign activities, in violation of the Federal Election Campaign Act (“FECA”).

Complainant seeks an immediate investigation and enforcement action against Alison Esposito, Esposito For Congress (“the Committee”) and Taylor Moose.

BACKGROUND**Esposito is running in a district that does not include New York City.**

Alison Esposito is running for Congress in New York’s 18th Congressional District. This district includes suburbs of New York City. Esposito’s campaign is based in Goshen, NY.¹

¹ <https://www.alisonesposito.com/meet-alison/>

Esposito's committee has made \$2,414 in payments to a New York City parking vendor.

On November 22, 2023, the Committee paid Icon Parking Holdings LLC \$1,083 for “Travel.” On January 2 and February 1, 2024, the Committee paid further installments to Icon Parking – which has the same reported address as Icon Parking Holdings LLC. Icon Parking Systems is the “largest parking operator in Manhattan.”² On its website, Icon Parking states that payments should be mailed to Icon Parking Holdings LLC (PO Box 682).³

Payments to Icon Parking by Esposito For Congress

PAYEE	STREET	CITY	DATE	AMOUNT	DESCRIPTION
ICON PARKING HOLDINGS LLC	PO BOX 682	NEW YORK	11/22/2023	\$1,083.00	TRAVEL
ICON PARKING	PO BOX 682	NEW YORK	01/02/2024	\$529.00	TRAVEL
ICON PARKING	PO BOX 682	NEW YORK	02/01/2024	\$529.00	TRAVEL

These payments were for parking near Esposito's Manhattan apartment.

On May 8, 2024, Politico published a report that Esposito's campaign “recorded two \$529 monthly payments this year to the Icon Parking garage near her Upper East Side apartment,” which “would seem to violate Federal Election Commission rules prohibiting the personal use of campaign funds.”

Esposito's campaign acknowledged that this was not a campaign-related expense.

A campaign spokesperson claimed the payments were charged inadvertently on a campaign card, meaning they were not a legitimate campaign expense.⁴

“The campaign card was mistakenly charged,” Esposito campaign manager Ben Weiner said in a statement to Playbook. “As soon as we became aware, the situation was immediately rectified, and the charges were reversed.”

Esposito has a history of spending campaign funds to subsidize parking near her home.

The Politico report noted that “Esposito's campaign committee for her 2022 lieutenant governor run also made four similar payments to the Upper East Side garage.”⁵ Records for Esposito for New York (Esposito's nonfederal campaign committee) show \$2,183.83 in payments to “Icon Parking” for parking, including four payments of \$485 or \$565. The address used for the bulk of this spending was “215 E 95th

² <https://iconparkingsystems.com/about-us>

³ <https://iconparkingsystems.com/cms/news/category/new-faq/monthly-parking-general-billing/>

⁴ “A bill one lawmaker hoped wouldn't be necessary.” Politico, 5/08/2024

⁵ “A bill one lawmaker hoped wouldn't be necessary.” Politico, 5/08/2024

St." Icon Parking maintains a garage at 215 E. 95th Street.⁶ This is directly adjacent to [REDACTED] an address that Alison Esposito has used when making personal campaign contributions.

Payments to Icon Parking by Esposito For New York (Nonfederal)

Disburser	Payee	Address1	City	Date	Amount	Expense Code
Esposito for New York	Icon Parking	215 E 95th St	New York	4/27/2022	\$485.00	Parking
Esposito for New York	Icon Parking	215 E 95th St	New York	5/19/2022	\$565.83	Parking
Esposito for New York	Icon Parking	215 E 95th St	New York	6/25/2022	\$485.00	Parking
Esposito for New York	Icon Parking	166 W 58th St	New York	6/29/2022	\$45.00	Parking
Esposito for New York	Icon Parking	166 W 58th St	New York	8/5/2022	\$67.00	Parking
Esposito for New York	Icon Parking	215 E 95th St	New York	8/12/2022	\$485.00	Parking
Esposito for New York	Icon Parking	215 E 95th St	New York	8/14/2022	\$51.00	Parking

Contributions made by Alison Esposito (Federal)

Committee	Contributor	Street 1	City	Date	Amount
WINRED*	ESPOSITO, ALISON	[REDACTED]	NEW YORK	11/17/2020	\$100.00

* EARMARKED FOR SENATE GEORGIA BATTLEGROUND FUND (C00736967)

Contributions made by Alison Esposito (Nonfederal)

Recipient	Contributor	Address	City	Date	Amount
Sigler For Senate	Alison Esposito	[REDACTED]	New York	8/31/2023	\$100.00
Sigler For Senate	Alison Esposito	[REDACTED]	New York	8/31/2023	\$4.10
Zeldin Esposito 2022	Alison Esposito	[REDACTED]	New York	3/20/2022	\$278.00

⁶ <https://iconparkingsystems.com/payment/165/07-06-2023&05:00:00&04-25-2023&07:00:00/25>

Following the Politico story, further reporting found that another Esposito-related committee, “Zeldin For New York,” had paid regularly for parking at the same garage and “continued paying the garage after losing the election.”⁷

Payments to Icon Parking by Zeldin For New York (Nonfederal)

Disburser	Payee	Address1	City	Amount	Date	Expense Code
Zeldin for New York	215 E 95th St	215 East 95th Street	New York	\$51.00	10/16/2022	Parking
Zeldin for New York	215 E 95th St	215 East 95th Street	New York	\$67.00	10/23/2022	Parking
Zeldin for New York	215 E 95th St	215 East 95th Street	New York	\$485.00	11/2/2022	Parking
Zeldin for New York	215 E 95th St	215 East 95th Street	New York	\$485.00	12/1/2022	Parking
Zeldin for New York	215 E 95th St	215 East 95th Street	New York	\$485.00	2/2/2023	Parking

LEGAL DISCUSSION

The Committee’s parking payments constitute personal use.

The Committee paid for parking expenses that would exist irrespective of Alison Esposito’s campaign and thus constitute personal use. Esposito would still need to park near her apartment were she not a candidate for Congress, as she was already doing so prior to her Congressional candidacy based on nonfederal campaign finance reports. Further, the campaign has already acknowledged these expenses were not campaign expenses.

11 CFR § 113.1(g) Personal use. Personal use means any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder.

[...]

(ii) The Commission will determine, on a case-by-case basis, whether other uses of funds in a campaign account fulfill a commitment, obligation or expense that would exist

⁷ https://twitter.com/TimmyFacciola_/status/1788959703650746419

irrespective of the candidate's campaign or duties as a Federal officeholder, and therefore are personal use. Examples of such other uses include:

[...]

(C) Travel expenses, including subsistence expenses incurred during travel. If a committee uses campaign funds to pay expenses associated with travel that involves both personal activities and campaign or officeholder-related activities, the incremental expenses that result from the personal activities are personal use, unless the person(s) benefiting from this use reimburse(s) the campaign account within thirty days for the amount of the incremental expenses, and

(D) Vehicle expenses, unless they are a de minimis amount. If a committee uses campaign funds to pay expenses associated with a vehicle that is used for both personal activities beyond a de minimis amount and campaign or officeholder-related activities, the portion of the vehicle expenses associated with the personal activities is personal use, unless the person(s) using the vehicle for personal activities reimburse(s) the campaign account within thirty days for the expenses associated with the personal activities.

REQUESTED ACTION

Wherefore, Complainant requests that the FEC conduct an investigation into these allegations; declare the respondents to have violated the FECA and applicable FEC regulations; and order respondents to correct these violations. In addition, Complainant requests that the FEC impose sanctions appropriate to these violations and take such further action as may be appropriate.

Tiffany Muller



End Citizens United
PO Box 66005
Washington, DC 20035

SUBSCRIBED AND SWORN to before me this 30 day of May 2024.



Notary Public

My Commission Expires:

MARK ANDREWS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires July 14, 2024

